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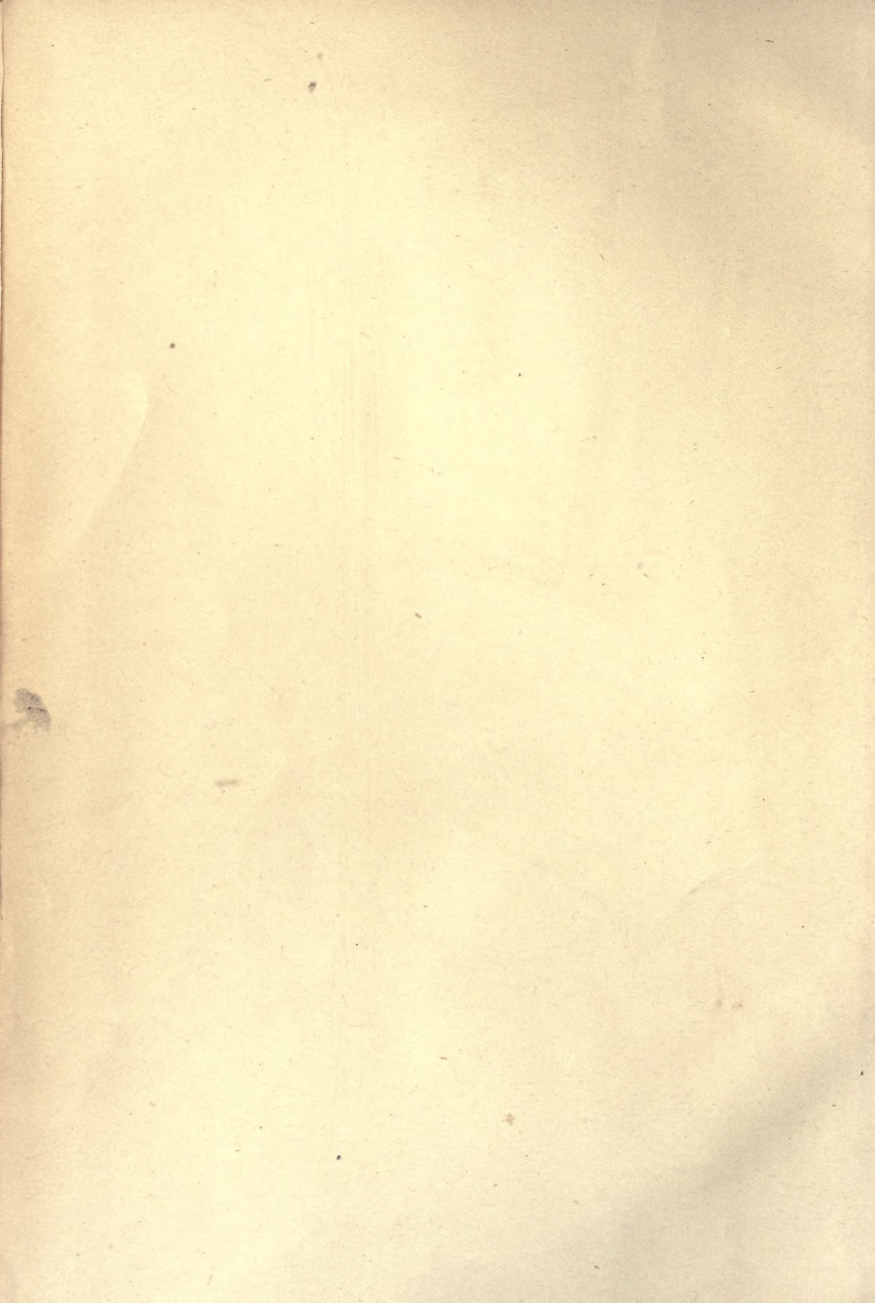


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THE LIFE OF
JOHN F. B. ARDEN
BY
JAMES F. B. ARDEN

THE SPEECHES AND
PUBLIC LETTERS OF
JOSEPH HOWE

*Of this Edition de Luxe Five Hundred
Copies have been printed, of which
this is No. 55.*



JOSEPH HOWE

From a painting by T. Debaussy, London in 1851

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THE SPEECHES AND PUBLIC LETTERS OF JOSEPH HOWE

(BASED UPON MR. ANNAND'S EDITION OF 1858)

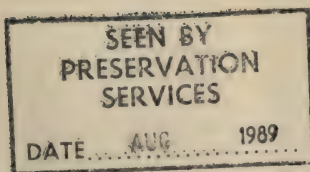
NEW AND COMPLETE EDITION

REVISED AND EDITED BY

JOSEPH ANDREW CHISHOLM, K.C.

IN TWO VOLUMES

VOL. I (1804-1848)



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PREFACE

"The time is rapidly approaching when my voice will no more be heard in council or debate, but I have an abiding faith that long after I have passed away, the rising generation, full of generous impulses and not distracted by the cross-lights which flash around us now, will recognize in those volumes the earnestness and sincerity with which I strove to elevate and improve Nova Scotia."

THUS wrote Joseph Howe in 1872 in a letter to a friend. The volumes to which he made allusion were the two containing his Speeches and Public Letters "edited by William Annand, M.P.P.," and published by John P. Jewett & Co. of Boston in 1858. The great tribune knew, when he wrote the letter from which the above extract is taken, that he was nearing the end of his eventful career, and, with the prescience for which he was noted, he felt assured that his services to his Province would be rated at their proper worth by later generations of his countrymen. On the morrow of his death the principal newspaper opposed to him in Nova Scotia spoke of him as the greatest Nova Scotian and the foremost figure in our history. Six and thirty years have elapsed since Mr. Howe's death—a sufficiently long time to allow the animosities growing out of the contentions in which he took part to pass away, and to enable a calmer judgment to be formed upon his life and character; and now after the lapse of that period there are few who will dispute that he remains the greatest figure in the history of Nova Scotia. As an orator his place cannot be disputed. Mr. Joseph Pope, in his "Memoirs of Sir John A. Macdonald," has well said that Mr. Howe was "incomparably the finest speaker, the greatest natural orator that British North America has ever produced." Nor will his reputation rest entirely on his oratorical gifts. In our day there is nothing novel in the scheme of Imperial Federation, but when Mr. Howe more than half a century ago propounded his ideas on the Organization of the Empire, he was regarded as an idealist, and his scheme was looked upon as more or less Utopian. While some of the details of his plan may not now meet with general acceptance, the main features of his proposal are fast forcing themselves within the domain of practical politics in all parts of the Empire. It is undoubtedly to be written down to Mr. Howe's credit, not only that he

was the greatest Imperialist in the outer possessions of the Crown, but also that he sounded the first clear, strong note within the Empire, warning Britons everywhere of the necessity for closer union between the mother country and her colonies beyond the seas.

The first edition of Mr. Howe's "Speeches and Letters" was published toward the end of 1858. That compilation, though nominally the work of another, was, as his contemporaries and relatives assure us, the work of his own hand. He selected the material for the edition, spent six months in the United States overseeing the printing, and after the books were issued he personally arranged for the sale and distribution. He stated in later years that the volumes contained the outpouring of his spirit, and he often expressed his intention of bringing out a third volume. That intention was frustrated by his death. Many of his admirers have expressed a wish to have a complete edition of his works, and His Excellency the Governor-General of Canada (The Right Hon. Earl Grey), in an address before the Canadian Club of Halifax, reminded Canadians of their duty in that regard. Stimulated by the views so expressed, the publishers of *The Morning Chronicle* decided to issue a work containing all Mr. Howe's important speeches and public writings. Down to the close of 1858, the present edition is as Mr. Howe would have it, with the exception of Chapter XXIV., which deals with some notable events of his life. Nothing has been added, and the matter is substantially the same as in the earlier edition. The material has been arranged in chronological order and divided into chapters; some slight errors in the text have been corrected, and head-notes have been inserted. Careful research has been made for the speeches and writings from 1858 to the time of his death, and all of these which have any permanent value are included in this edition. On all the vexed questions of public policy on which he took sides, it has been deemed best to permit Mr. Howe to be his own interpreter.

A Chronology, an Index, and two Portraits of Mr. Howe have been included.

The Editor's acknowledgments are due to several friends, and more particularly to Sydenham Howe, Esq., of Middleton, N.S., who is custodian of his father's private papers, for furnishing many valuable documents, and to Miss Mary F. Pearson, M.A., who prepared the Index, and rendered valuable assistance in reading the copy before it was sent to the printers.

J. A. C.

P R E F A C E

TO MR. ANNAND'S EDITION

FOR nearly twenty years I have been the intimate friend of the gentleman, some of whose speeches and letters I have undertaken to edit and publish. Many of the speeches included in this collection, I have heard delivered. Some of the public letters have been read in my presence in the Legislature, amidst spontaneous expressions of high approbation, even from the writer's political opponents. The effects produced upon the public mind and upon the affairs of his native Province, by Mr. Howe's mental and bodily labours, no man better than myself, perhaps, can fairly estimate. Both as a legislator and as a public journalist, my opportunities for observation and experience have been ample; and, from a very extensive acquaintance and intercourse with persons from all parts of British America, of all shades of politics, I have no reason to think that I over-estimate the opinion entertained by his countrymen of his talents and exertions.

My object is to preserve, while preservation is possible, the sentiments and opinions of a remarkable man, who has figured during an eventful period of our Provincial history; to enable my contemporaries—the men and women of the present day—to peruse again, and to estimate for their literary merit or oratorical value, productions that formerly stirred their blood or largely influenced their affairs; to give to the rising generation the means by which to judge, not only of the intellectual calibre of the race they are to succeed, but of the true character of a countryman's struggles and labours of which they are to reap the benefit.

Beyond the boundaries of British America, it is not probable that this work will attract much interest or find much circulation. Statesmen who figure in the great centres of intellectual life, whether in Europe or America, can alone be expected to command general attention. To those centres the thoughts and eager inquiries of millions naturally turn, who no more expect profit or pleasure

from reading what has been written or spoken in remote Provinces, than the Hebrews of old expected lessons of love and principles susceptible of world-wide diffusion, in a small village, remote from Jerusalem.

And yet, some of the principles, to the establishment and diffusion of which JOSEPH HOWE has devoted half a life, are not unworthy of the attention of statesmen at home or abroad. The system of responsible government, of which he was the earliest, as he was confessedly the most eloquent and able advocate in the Maritime Provinces, is, in its application to colonial affairs, as much a modern invention as the steam-engine or the electric telegraph; and, like those great discoveries, can be made practically beneficial to any community of Englishmen in any part of the world.

The use that can be made of public credit in developing the resources of new countries, and the obligations which rest upon governments to employ it for the completion of public works to which private enterprise is unequal, as illustrated in Mr. Howe's Railway speeches and correspondence, are subjects not unworthy the serious consideration of gentlemen, however contracted or enlarged may be the fields in which they are called to discuss or to administer public affairs.

The "Organization of the Empire" may not, in the rather incidental modes in which it has been treated in one or two of the speeches and letters included in this collection, arrest the attention of those who might be disposed to view it differently, had the subject been exhausted in a more elaborate treatise, to which we regret that Mr. Howe has not, ere now, found leisure to devote his talents. But, however imperfect the treatment, the grandeur of the subject will not be denied; and he can scarcely be called a statesman, and certainly would be a very unworthy Englishman, for whom it has no attractions.

From the hundreds of speeches delivered by Mr. Howe, on all sorts of occasions, and in all parts of the Provinces, I have selected only so many as were indispensable to illustrate his peculiar style and extraordinary versatility. Some of these, very imperfectly reported and never revised, I have taken just as they appeared in the newspapers of the day. Of his letters, I have omitted nearly all the more sarcastic, preserving only a very few of that description, including the two addressed to Lord Falkland. I would have struck out from many of the speeches, personal hits and sarcasms, amply provoked and well deserved at the time of delivery, but which I am

quite sure Mr. Howe would not, at this moment, repeat;—but I found, if I did so, I could not preserve the spirit of the scenes through which the speaker was often compelled to fight his way. Such passages occur most frequently in replies and extemporaneous criticisms, called forth by keen attacks; and often exhibit the dexterity and readiness of a debater, after the interest of the question has entirely passed away.

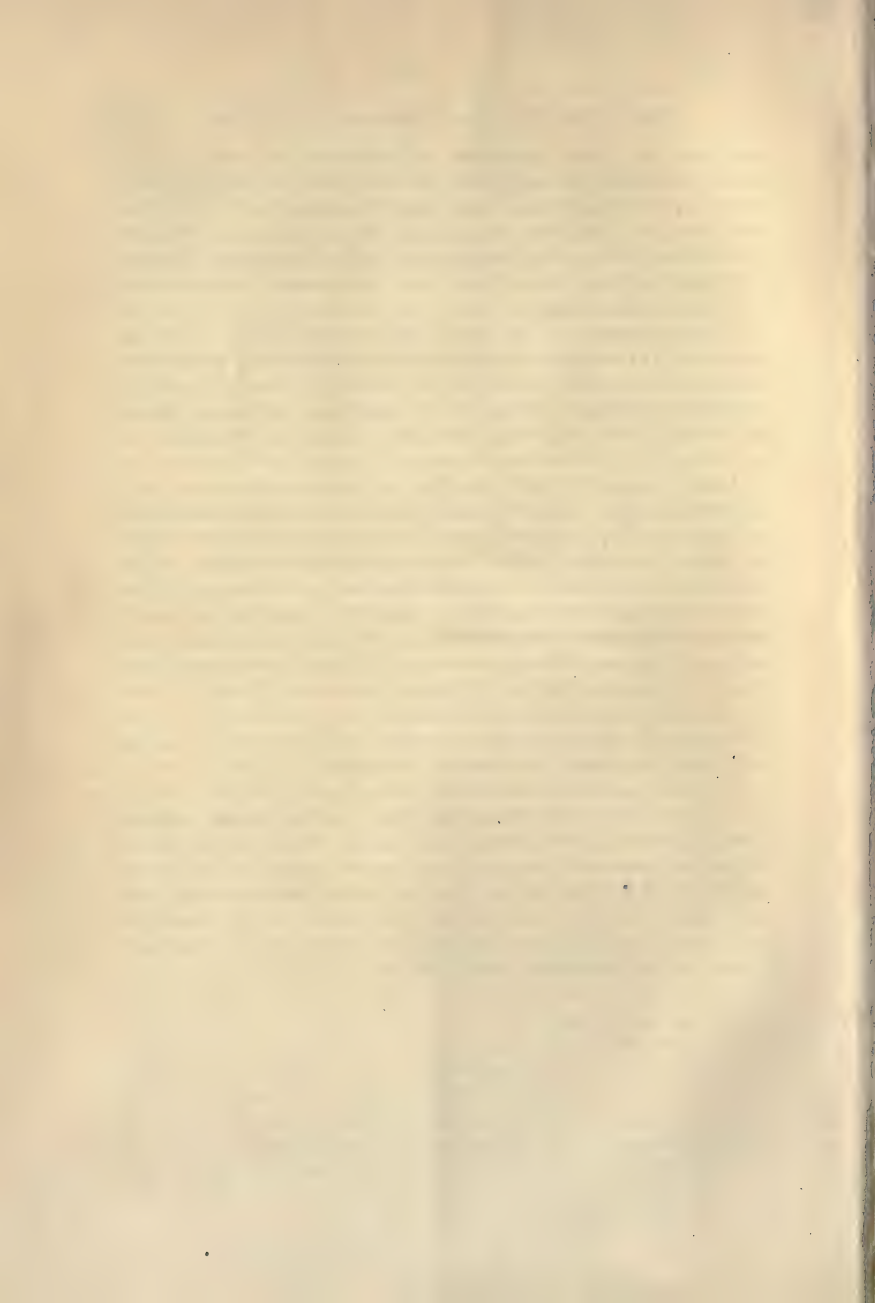
Of contributions to the public press or editorials, as they are professionally termed, I have given but two or three out of hundreds that must have been written by Mr. Howe. These will serve as specimens of a style of writing which many mere *littérateurs* despise, but of which those only who have tried it, know the difficulties and the value.

I have included in these volumes two poems, written for public celebrations, and two political pasquinades, which were drawn into the Parliamentary debates of 1855. In early life, Mr. Howe wrote a good deal of verse, but he had not much leisure for poetic reveries, when the sterner duties of active manhood were assumed. The Muse did visit him occasionally, but was often compelled to don the garb of the Amazon, and launch a javelin at the enemies of his country. It is probable that a volume of Contributions to Colonial Literature, including such of his poems as are worth preserving, may be published in the course of next year.

Of many lectures, or public addresses, delivered before scientific and literary societies, I have selected but three.

I do not publish these volumes that I may challenge for my friend comparison with those who have, in the higher walks of political literature, won deserved distinction. But I regard them as gatherings from the stores produced by one robust, self-cultivated, colonial intellect. Better speeches and better letters we may read every day; and yet to draw the comparison fairly, we should remember that it is rare to find good speakers who are also good writers, or good writers who can speak at all.

HALIFAX, NOVA SCOTIA,
October 1858.



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SPEECHES OF JOSEPH HOWE

CHAPTER I

1804-1834

Mr. Howe's ancestry—Early days—Purchase of *The Acadian*—Purchase of *The Nova Scotian*—Inaugural Address before Mechanics' Institute—Further address in 1834.

IN a speech delivered at Southampton on January 14th, 1851, Mr. Howe gave the following account of his origin:

CHAP. I

1804

During the old times of persecution, four brothers bearing my name left the southern counties of England and settled in four of the old New England States. Their descendants number thousands, and are scattered from Maine to California. My father was the only descendant of that stock who, at the Revolution, adhered to the side of England. His bones rest in the Halifax churchyard. I am his only surviving son; and, whatever the future may have in store, I want, when I stand beside his grave, to feel that I have done my best to preserve the connection he valued, that the British flag may wave above the soil in which he sleeps.

Frequent references to his father occur in Mr. Howe's speeches, and wherever his name is mentioned, it is accompanied by eulogy so warm, and descriptive touches so filial, as to assure us that his memory is deeply revered. He well deserved the affection he inspired. He died on December 27th, 1835, at the advanced age of eighty-three, having held, for many years, the offices of King's Printer, and Postmaster-General of the Lower Provinces. He was a fine-looking man, intelligent, courteous, and benevolent. He wrote well and, though having no taste for political disputation, spoke on religious subjects in a strain of simple, natural eloquence, not often equalled and rarely surpassed.

Mr. Howe's mother was the daughter of a Captain Edes, who, with his wife and two children, came out from England to settle and

CHAP. I

1804

carry on business in the South, but whose plans and prospects were marred by the breaking out of the Revolution. She was a widow, and after the death of his first wife, who had been Miss Minns of Boston, Mr. John Howe married her. The fruits of this union were two children, a son and a daughter. The daughter died at sea on her return from Peru, where she had gone to join her husband, and was buried in Virginia. These volumes will illustrate the life and labours of the son.

Joseph Howe was born on December 13th, 1804, in a pleasant cottage on the banks of the North-West Arm, since burnt down, in which his parents then resided.¹ Here he spent the first thirteen years of his life, and here was nurtured the robust constitution which so long seemed to defy mental and bodily fatigue. Here was imbibed his love of nature, of field sports, of the sea, and of woodland rides and rambles. Here was nourished the poetic spirit, that, in all the earlier portions of his life, broke out into verse; and which, though chastened and subdued by a severe political training, coloured all his speeches and writings. He received no regular education, having to walk two miles to get to school in summer, and in winter being kept at home. But he had his father to talk to in the long evenings and had books to study. Hard exercise and desultory reading alternated, and a well-stored mind was ever present with him, upon the large resources of which he could draw at any moment.

At thirteen, he went into the *Royal Gazette* office, and for ten years worked at the printing business, occasionally assisting his brother² in the post office; and at times, during his absence, taking charge of both departments.

During his apprenticeship Mr. Howe attracted general attention by the publication of a little poem, entitled "Melville Island." This island stands at the head of the North-West Arm. Prisoners were confined there during the last French and American wars. The situation and incidents connected with the island were poetical, and perhaps the most was made of them. Other pieces in prose and verse followed, and were published in the newspapers of the period under anonymous signatures. He thus trained himself by the practice of composition rather than by the study of language.

In December 1827 Mr. Howe purchased, in connection with Mr. James Spike, *The Weekly Chronicle* newspaper from Mr. William

¹ The property is now known as *Emscote*, the residence of Hon. B. F. Pearson, K.C.

² John Howe, the eldest of five children by the first marriage, succeeded his father in both offices. He died in 1843.

Minns, who had been for many years its editor and proprietor, and, changing the name of the paper to *The Acadian*, came before the country as a public writer for the first time. If not entirely unknown and unpractised, he was, as he often acknowledged, ignorant enough of everything that an editor ought to know. He had a cheerful spirit, however, a ready pen, and tact enough to feel his way and avoid the premature discussion of topics which he did not understand. The file of *The Acadian* contains some lively sketches of natural scenery, some passable poetry, and some juvenile attempts at editorial writing, jejune and commonplace enough. There are no attempts at political writing, and the volume discloses no evidence that, at this period, the editor had formed any clear or definite notions of the condition or requirements of his country.

Towards the close of the year Mr. Howe sold his share in *The Acadian* to his partner, Mr. Spike, and purchased *The Nova Scotian* from Mr. George R. Young, who had established that paper three years before. Aided by the very able pens of his father, John Young (*Agricola*), and of his brother, Mr. William Young, Mr. G. R. Young had, by great industry and ability, secured a very respectable circulation. Wishing to enter the legal profession, he offered his establishment to Mr. Howe for £1050, a large sum for a newspaper at that period. The offer was accepted, and on January 3rd, 1828, Mr. Howe came before the public as sole editor and proprietor of *The Nova Scotian*.

In the judgment of many the enterprise was not without hazard. It was hardly to be expected that a young man, inexperienced and unskilful, could sustain the interests of an establishment upon which much acknowledged talent and information had been concentrated. Many withdrew their subscriptions in this belief, and many more, it is fair to assume, only continued them until an experiment was tried in which they had not much confidence. It succeeded, however, beyond the reasonable hopes of him who was most interested.

By dint of unwearied industry, a sanguine spirit, and great cheerfulness and good humour, all the difficulties which beset Mr. Howe's early career as a public journalist were met and overcome, and *The Nova Scotian* was established on a solid foundation. British, foreign, and colonial newspapers and periodicals were daily read. The debates in the House of Assembly and important trials in the courts were reported by his own hand, and his position naturally brought him into familiar intercourse with nearly all the public men of the day. The establishment of agencies and the transaction of business

CHAP. I

1828

in the interior compelled him to travel over the inland districts, and to visit all the seaport towns. In these journeys many valuable acquaintances were made, and much information was acquired. Gradually he became familiar not only with the people best worth knowing, and from whom anything could be learned, but with the whole face of his native country, and with the political literature of all countries which expressed their opinions in the English language. Such leisure as he had was given to more serious investigations or to the attractive novelties of the day. He was seen during this period, worn-out with labour, drawing draughts of refreshment alternately from Bulwer's last novel or from Grotius on National Law. His constitution was vigorous, his zeal unflagging. It was no uncommon thing for him to be a month or two in the saddle; or, after a rubber of racquets, in which he excelled, and of which he was very fond, to read and write for four or five consecutive days without going out of his house.

Seven years of this kind of mental training, which preceded his first noticeable display as a public speaker, did much to repair a very defective education. A glance over the files of *The Nova Scotian* from 1828 to 1835 will make apparent to anybody the process of his intellectual cultivation and development.

In the volume for 1828 there are almost no politics. Those sketches of country towns and rural scenery which, under the headings of "Western Rambles" and "Eastern Rambles," enlivened the pages of *The Nova Scotian* for several years, and enlightened a good many worthy people who never go from home as to the beauties and fertility of their own country, were commenced in this year. So was *The Club*, a series of papers after the model of Blackwood's *Noctes Ambrosianæ*, and to which "Sam Slick," Doctor Grigor, Lawrence O'Connor Doyle, and Captain Kincaid, all of whom subsequently distinguished themselves in other fields, are said to have contributed. There was, perhaps, too much of personality in these dialogues, but there was unquestionably a good deal of wit, humour, and vigorous writing. There is also in the earlier files some beautiful poetry by Henry Clinch, then a student at King's College, and later rector of South Boston.

In 1829 Huskisson's system was promulgated, and Mr. Howe, who had previously been an admirer of Adam Smith, became thenceforward an ardent Free Trader, in which faith he always continued. In this year he published Haliburton's "History of Nova Scotia," losing heavily by the speculation, the edition being, at that

early period, too large. The book, however, was invaluable. It exhausted the subject, and made thousands familiar with facts till then locked up in the Provincial archives. The publication of this work laid the foundation of a friendship between the author and publisher, which was only shaken by political differences twelve years later, but which the subsidence of excitement afterwards happily revived.

In the spring of 1829 Mr. Howe fairly embarked in a political question, and held his ground with some promise of that courage and dexterity by which success was secured in subsequent contests. During the session of 1829, Mr. John A. Barry brought himself under the censure of the House for words spoken in debate. The subject was referred to the Committee of Privileges, who, in an elaborate report, cited the precedents bearing on the case, and recommended that Mr. Barry should be deprived of his privileges till atonement was made. He took his seat in defiance of the House, was arrested, and committed to jail. The citizens of Halifax generally sympathized with Mr. Barry, and a mob hooted the members and pelted them with snowballs on the adjournment. Mr. Barry was detained in prison till the House rose, when he was liberated by the prorogation, and conveyed in triumph to his house. During his imprisonment, and for more than a year thereafter, he continued to publish long letters in the newspapers, in which the report of the Committee of Privileges was severely criticised, and everybody who happened to differ with him was roughly handled.

Mr. Howe, who had been a spectator of the scene, took a moderate and independent view of the questions at issue. He thought Mr. Barry was to blame—that his manner, even more than his language, was insulting to the House, and that all the subsequent proceedings flowed naturally from the first offence, which ought not to have been given. It required some nerve for a young man, without standing or influence, to express these opinions in the midst of a community so excited that they had pelted their representatives. They were expressed, however, despite the remonstrances of his friends and the threats of Barry's partisans, with whom, and with that gentleman personally, he was at once involved in controversy. He did not flinch, however, but reviewed the whole case in a series of articles, and had the satisfaction to find that the stand he had taken was very generally approved.

Towards the close of this year *The Nova Scotian* had a long editorial, recommending the formation of a Mechanics' Institute in

CHAP. I
—
1830

Halifax. It was not founded, however, till three years later, when Mr. Howe read the inaugural address on the 11th of January, 1832.¹

In this volume, also, appeared the first of those reviews of public affairs in New Brunswick, Prince Edward Island, and Newfoundland, which subsequently became popular, were extensively read in those Provinces, and, at a later period, had a tendency in all the Provinces to strengthen the hands of the progressive parties, and to lead to the establishment of sound principles of government.

In 1830 appeared in Mr. Howe's newspaper the first of a series of "Legislative Reviews," the composition of which—and they were continued from year to year—familiarized the writer's mind with the measures then before the country, and gradually wrought the conviction that others were required. The "Brandy dispute," as it has been called,² broke out towards the close of this session. The House and Council came into violent collision, and the revenue bills were lost. The debates were animated and exciting, to a high degree. S. G. W. Archibald led the popular party, with a brilliancy and daring that astonished even his most ardent admirers. Richard John Uniacke, one of the handsomest men of his day, led the forlorn hope that stood by the Council. John Young, Alexander Stewart, Charles Rufus Fairbanks, Beamish Murdoch, and others, discussed the points at issue with more or less ability. A general election impended, and came in the course of the summer. Into this exciting contest, Mr. Howe threw himself with ardour and indomitable perseverance. He reviewed the documents and debates put forth on each side; and, both before and during the elections, gave to Mr. Archibald and his friends the benefit of a searching criticism and of an animated defence. All the leading men of the popular party were returned, except Murdoch, and the country naturally looked for some results commensurate with the fierceness of the contest and the apparent importance of the principles involved.

But no results followed which were at all calculated to satisfy the expectations that had been so highly raised. New revenue bills were passed, but no atonement was exacted for the sacrifice of the old ones. The leader of the popular majority was put aside, and his rival² was appointed Chief-Justice. The Council still retained its ancient constitution, and excluded the public from its delibera-

¹ This address was published in the *Halifax Acadian Recorder*, January 14th, 1832.

² Brenton Halliburton.

tions. Under a threat of collecting the Quit Rents, a permanent addition of £2000 a year was made to the Civil List, without any stipulation for the surrender of the Casual Revenues. Long debates on the cost of the judiciary ended in nothing. Motions made by John Young or Herbert Huntington, for a retrenchment of the public expenditure, were laughed at and rejected. The country was uneasy and dissatisfied at this state of things, and Mr. Howe expressed their feelings, and his own, in language which often gave great offence to the prominent men of the day.

In 1834, Mr. Stewart moved a series of resolutions touching the constitution of the Council, which were seconded by Mr. Doyle. Animated and very interesting debates ensued, but no change was made. The Opposition, baffled, divided, or intimidated by the Government, made no advances and gained no solid advantage. From this period, Mr. Howe seems to have taken a bolder and more independent position. His editorials attracted more and more attention, and were formally denounced by zealous partisans of Government in the House. He recommended that the men who had been elected to improve the institutions of the country should go forward and do their work, or that men of more vigour and determination should be sent to supply their places. Many enemies were made by this independent course, but his reputation daily extended and his pen began to command a pretty extensive influence.

Mixed up with the politics of that day was the currency question. The Government had issued large quantities of Provincial notes, irredeemable in gold or silver. The Halifax Bank had done the same. The usual consequences resulted. The precious metals were driven from circulation. Paper was depreciated, and commercial panic and distress ensued. Independent men, both in the legislature and out of it, saw the necessity for grappling with this tremendous evil. A battle commenced, which ran over two or three years, and only ended when the banks were compelled to pay gold and silver on demand—when they were restricted to the issue of £5 notes, and when the surplus of Province paper was withdrawn.

The Parliamentary leaders in this conflict for sound principles of finance, were Judge Bliss, Charles Rufus Fairbanks, Herbert Huntington, and others. Outside, *The Nova Scotian* lent to the cause great assistance, and its editor only ceased to labour for it when the victory was won.

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On the 5th of November, 1834, Mr. Howe delivered the following address before the Halifax Mechanics' Institute: ¹

After a season of unexampled trial to this community,² and of anxious solicitude to us all, it is with no ordinary feelings of pleasure that I open the fourth course of lectures to this Institute. Although, since we last met, some of us may have lost relatives and friends, still, when I find so full an attendance of my brother members—when I see around me so many familiar faces—I cannot but feel that the most appropriate sentiment for me to utter and that to which your hearts will most cheerfully respond, is one of gratitude to Him through whose sparing mercy we are again permitted to assemble to tread the paths of science, and attain, through a right use of the means which He has placed within our reach, some knowledge of the wonders created by His hand and of the laws by which they are controlled.

It is our practice, in these opening addresses, without confining ourselves to any particular subject, to touch upon the past history and future prospects of the Institute; to take a discursive range over the wide fields of literature and science, for illustrations of the value of such societies; to build each other up in the love of knowledge; to cheer each other on in that course of improvement which has been so successfully commenced. As this duty usually devolves upon your office-bearers, and as, for many reasons, it is my wish and my intention to fall back into the ranks at the close of the present year, I shall avail myself of this occasion to impress strongly upon your minds some general views that have long been forming in my own and which I would fain leave among you ere I retire from the chair.

The abstract or cosmopolitan idea of knowledge is, that it is of no country; the world of science and of letters comprises the learned and the ingenious of every clime, whose intellects, reflecting back the light which each in turn bestows, serve to illuminate and cheer the dark places of the earth, and roll off the mists which ignorance and prejudice have gathered around the human mind. To benefit his whole race and to earn universal applause, are the first great stimulants of the student and philosopher; but the all-wise Being, who divided the earth into continents, peninsulas and islands—who separated tribes from each other by mountain ranges and unfathomable seas; who gave a different feature and a different tongue—evidently intended that there should be a local knowledge and a local love, binding His creatures to particular spots of earth, and interesting them peculiarly for the prosperity, improvement and happiness of those places. The love of country, therefore, though distinguished from this universal love, boasts of an origin as divine, and serves purposes scarcely less admirable. It begets a generous rivalry among the nations of the earth, by which the intellectual and physical resources of each are developed and strengthened by constant exercise; and although sometimes abused by

¹ This address was issued in pamphlet form at the time.

² From the cholera, and commercial embarrassments.

ignorance or criminal ambition, has a constant direction favourable to the growth of knowledge, and the amelioration and improvement of human affairs.

Is that feeling alive in your breasts? Is it abroad in this country? Has Nova Scotia received the power to attach her children to her bosom and make them prouder and fonder of her bleak hills and sylvan valleys, than even of the fairer and more cultivated lands from which their parents came? I pause for no reply. The unerring law of nature is my answer; and though addressing an audience composed of all countries, it is with the conviction that their children are already natives of Nova Scotia, and that their judgments will approve of the direction I wish to give to those feelings of patriotism which that circumstance will inevitably inspire. You who owe your origin to other lands cannot resist the conviction, that as you loved them, so will your children love this: and that though the second place in their hearts may be filled by merry England, romantic Scotland, or the verdant fields of Erin, the first and highest will be occupied by the little Province where they drew their earliest breath, and which claims from them filial reverence and care.

Far be it from me to wish, on this occasion, to draw national distinctions. I desire rather to show you how the certainty that your descendants will be one race, having a common attachment to Nova Scotia, and knowing no higher obligation than to love and honour her, ought to draw you closer to each other in friendly union, and make you solicitous to give that direction to their minds which shall best secure their happiness, and promote the welfare of their common country.

I must confess that, at a first glance, the youthful native of Nova Scotia would seem to require more than an ordinary share of *amor patriæ*, to justify much pride at the present condition of his country or to inspire any ardent hope of her future prosperity and renown. He sees her almost the least in population and extent in the whole range of a mighty continent, and without reference to the glorious nations of the old world, but a child in resources and improvement, as compared with the States and Provinces by which she is more immediately surrounded, and upon which the signs of a manhood, vigorous and advanced, are already deeply impressed. He may love her, but can he hope to render her conspicuous among such competitors?—to raise her up to the level which they may, without any very extraordinary efforts, attain? To the South and West a more generous sun warms a more fertile soil into a higher measure of fruitfulness and beauty than nature bestows on him; and to the North, he finds countries which, from their geographical extent and earlier settlement, have a greater command of resources—are already vastly in advance—and seem destined to leave Nova Scotia far behind in the race of improvement; and to merge, in their own mental effulgence, the feeble light of science which even ardent patriotism may kindle upon her soil.

Turning from Virginia, with her sixty-six thousand square miles, covered with flourishing towns and more than a million of population; from New York,

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with her magnificent rivers, princely cities, and two millions of people ; from Massachusetts, with her extensive borders crowded with activity and intelligence ; from the Canadas, with their national dimensions, great natural resources, and rapidly increasing population ; to our own little Province, hemmed in by the Atlantic and its bays, and presenting an outline as comparatively insignificant as her numbers, we may be pardoned if, at times, the desire to elevate and adorn our native land, is borne down by the sense of the competition we must encounter, and of the apparent hopelessness of the task.

Many a time has my own mind sunk under the sense of these inequalities ; and if I present them thus broadly to yours, it is because I wish to show you how I have learned to overcome them ; and, as it were, to consult you upon the possibility of rendering them a source of excitement rather than of depression, to the generation now rising around us.

With nations as with individuals much depends upon the principles and resolves with which they set out and the strength of their determination to surmount the untoward accidents of birth, and to command, by energy and perseverance, the honours and rewards which circumstances would seem to have denied. The conviction of this truth prompts the utterance of sentiments on this occasion that many may regard as far-fetched and premature, but which, after long and painfully revolving our present condition and future prospects, I feel it my duty to express. And something tells me that although from the feeble manner in which they are urged, these views and opinions may now be held in slight esteem, a time shall come when they will, with the genius and ability of a riper and more cultivated age, be infused into the minds of my countrymen, and will stimulate them in their love of knowledge and their pursuit of an honourable name.

We constantly see individuals of good natural capacity and superior opportunities and advantages, outstripped in the pursuit of influence and distinction by those who, viewing the point from which they started, would appear to have had, in the paths of emulation, hardly any chance. We see the poor but persevering and industrious man accumulate wealth and purchase extensive domains ; while, by the idle and the dissolute, the most ample fortunes are wasted. And these examples are seldom lost on those by whom they are carefully observed. Though an accident may bring wealth or reduce us to poverty, we know, by a comparison of many facts, that, in nine cases out of ten, these result from the possession of certain qualities, and the exercise or neglect of peculiar powers. Hence the poor and wise man derives lessons of encouragement ; and if the estate of the rich landlord spreads its countless acres beyond his narrow field, or if the spacious palace overtops his humble store, his spirit is not depressed, but it borrows strength and energy from the view of that affluence he determines to attain.

Compare the advantages of Burke and Sheridan, Canning and Mansfield, Curran and Erskine, with those of the thousands of wealthy youths poured out from the ancient colleges of Britain, whose command of masters, well-stored

libraries, and leisure for foreign travel and domestic study and reflection, would seem to have peculiarly fitted them to shine as orators and statesmen—and you will be convinced that there is a power in the human mind to control all outward circumstances, and raise itself up from the lowest depth of social degradation to the highest point of moral influence and intellectual renown. Need I refer you to the Franklins and Fergusons, the Johnsons and Fultons, to convince you that, even on the roughest roads of scholarship and science, those who would appear to have the greatest advantages may be distanced by the genius and perseverance of the most obscure.

These splendid individual instances have often been pressed upon your attention; and I only allude to them here, that I may inquire, whether men in masses may not achieve for their common country a moral and intellectual reputation, and a measure of collective prosperity and influence, equally disproportioned to her apparent means; equally honourable to their joint exertions; and equally worthy of that untiring diligence and indefatigable hope, without which nothing valuable can ever be attained? I think they can. I would have you think so; and, sanctioned by your judgment, I wish the sentiment to go abroad over the Province, and to become strongly impressed upon the minds of my youthful countrymen, until it ripens into a cheerful and fixed determination to raise up their native land to a point of distinction in agriculture, commerce, and the arts, in literature and science, in knowledge and virtue, which shall win for her the admiration and esteem of other lands, and teach them to estimate Nova Scotia rather by her mental riches and resources, than by her age, population, or geographical extent. With nations as with individuals, though much depends on natural endowments, much also depends on first impressions and early culture; and with them, as with us, though in some cases accidents may make or mar, it rarely happens that their ruling passions and fixed determinations do not control their destiny.

This is the infant hour, or, if you will, the childhood of our country; and it is, if not for you and me, at all events for the race among whom we live, and to whom our public declarations are addressed, to say what shall be her future progress; what resources shall be placed within her reach; what rules laid down for her guidance; what opinions and determinations indelibly impressed upon her mind.

Shall we then neglect this high duty, which we owe alike to the hardy pioneers by whom the Province was conquered and explored, and who have done so much for us; and to those generations that must come after and to whose feet our knowledge and virtues should be as a lamp and over whose destiny, whether for good or evil, we have such extensive control? Shall we lie down in idleness and doubt, because we are but a handful of men, and because our country might be almost hidden in some of the Canadian lakes? Shall we forswear all mental competition because other countries are larger and more advanced? Shall we aspire to no national character, no combined influence, no honourable report? Shall we turn recreant to the blood and

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example of those glorious islands from which we derive our language and our name? Shall we forget the obscurity of their origin, the vicissitudes of their history, and the obstacles which *their* children and *our* fathers triumphed over and controlled? Or shall we, upon a continent peopled by their descendants, sell our birthright for the pottage of timidity and sloth? Shall we teach our children to seek excuses for idleness and irresolution in the narrow dimensions of their country and tacitly to yield to a Canadian or Virginian superiority in all things, because he chanced to inherit a more fertile soil and can reckon a million who bear his name?

The doubt that we could not do otherwise, has often painfully oppressed my mind; but I have taught myself to hope, to reason, and resolve, and I am satisfied that we may, if we choose, tread a far higher path than that to which, it would at a first view appear, our destiny must inevitably lead. Will you throw aside your own doubts, and labour for a consummation so devoutly to be wished? Will you, on this night, pledge with me your faith that there shall come a time when *Nova Scotian* will be a name of distinction and of pride; when it shall be a synonym for high mental and moral cultivation; when the sound of it in a Briton's ears shall be followed by the reflection that the good seed which he sowed had fallen upon genial soil; and when the American, while glancing his eye over the map of this mighty continent, shall recognize, in the little peninsula jutting out upon the bosom of the Atlantic, the home of a race superior to many and second to none of the countless tribes by whose gigantic territories they are embraced?

With mere politics, whether general or local, in this Institute, we never interfere; and I have elsewhere such a surfeit of the angry contentions they engender as to be the last to introduce them here. But there is a philosophy, taught by the experience of nations and of the human mind, upon which we may reflect and reason without offence. And if any ask, how can you talk of a distinct national character, without a severance of the colonial connection; or how can you hope to raise Nova Scotia on the scale of importance without schemes of spoliation and conquest, criminal and absurd? here is my answer: The improvement I contemplate, the distinction at which I aim, is neither incompatible with our present political position nor with the peace and independence of our neighbours. I wish to lay the foundations of our future fame much deeper than the mere politician would lay them, to reap a harvest more blameless and enduring than foreign conquest and oppression could afford.

Providence has given us a separate country and the elements of a distinct character. We cannot change what the hand of nature has performed. But can we not follow out the benevolent designs of Providence and fill up with pleasing tints and graceful animation the outline which nature has but sketched? Can we endanger our friendly relations with Britain or excite the jealousy of our neighbours, by becoming wise and virtuous, by establishing a high standard of moral excellence and making to Nova Scotians the great

truths of religion, philosophy and science familiar as household words, by exciting among our population a desire for distinction, and a taste for literature and art as general as is the taste for music in modern Italy, or as was the love of country which distinguished ancient Rome?

But, it may be said, what can a little society such as this accomplish? Need I remind you that a few intelligent and determined men can do almost anything to which reason and sound policy are not opposed? Have not smaller combinations ere now broken down the superstitions, dispelled the ignorance, and elevated the moral and social character of distant millions who seemed sunken in the lowest depth of barbaric degradation? Does not that great reformation, which is now spreading over the new world and the old, restoring to humanity those who had been transformed to demons, and rescuing all ranks and classes from sorrow and pollution, owe its origin to a few enlightened and determined men? To the work before us our means are not more disproportioned. They had distant and hostile tribes to reform; we have our countrymen to improve who surround us on every side. They had deep-rooted customs and inveterate prejudices to contend with; we have the ductile and vigorous genius of a youthful people in our hands.

If we encourage each other to love the land of our birth or of our adoption, and make that affection the perennial spring of virtue and of knowledge, that our country may be honoured: if we teach our children, our friends and neighbours, that as mind is the standard of the man, so is it of the nation, and that it becomes the duty of each individual to cast into the public treasury of Nova Scotia's reputation something to make her "loved at home, revered abroad": and if this feeling becomes so general throughout the country as to be recognized as a stimulant and a principle of action, our work will be more than half accomplished and we may leave the rest to time. Holding these opinions, I do assure you that I have watched the progress of this Institute with earnest solicitude and delight; for as a little leaven leaveneth the lump, I have fondly hoped that it would become the centre from which sound knowledge and correct feeling would be diffused; and that from its walls a voice of inspiration, encouragement, and hope would go abroad over the Province, elevating the minds of my countrymen, and attuning their hearts to virtue.

When Themistocles was asked if he could play, he replied that he could not, but "he could make a great city out of a petty town." Without cherishing that contempt for the arts of life which the answer would seem to imply, let us seek to acquire and diffuse the knowledge by which villages are turned to cities, and petty territories raised up to be great and flourishing nations. This would appear a hopeless task, an unattainable art, if the world's history were not full of cheering and conspicuous examples. These, as it were, with one voice teach us this great lesson, that the growth and prosperity of cities and states do not depend so much upon their territorial extent or their natural situation and advantages as upon the discipline, knowledge, and self-devotion of their inhabitants. Were I addressing rude soldiers of the Middle Age, I

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might point to Sparta and to Rome and ask to what they owed their influence and dominion? But this is not the age nor this the country to applaud or practise a culture so austere; and yet, may we not ask if our chance of earning for Nova Scotia a reputation more blameless and serene, by a discipline less rigorous and brutal, is not better than that of the handful of disorderly soldiers who subdued the world by first subduing themselves.

But let us turn to those nations which have raised themselves to distinction by the arts of peace—by those qualities which, as they better suit our situation, are more in accordance with our sympathies and the spirit of the age.

Why was Athens more prosperous, more influential, enlightened and refined than the other states of Greece? Was there anything so pre-eminently superior in her situation and natural gifts as to mark her the favourite of fortune and check all competition in the paths of greatness which she pursued? Was there anything in the original extent of her borders or in the character of the mere land and sea that they enclosed, to which her decided superiority can be traced? No. To the nature of her early discipline, the value of her institutions, the noble ambition they excited, and the consequent devotion to industry, philosophy, and the arts, we must attribute the rise of that wonderful city, so long the seat of power and refinement; and whose glory has come down to our own times, mellowed but not obscured by the lapse of ages; refracted, perhaps, but unquenched, by the imperfect media of history and tradition through which it has passed.

If it were possible to carry your minds back for centuries and show you the low and barren sandbanks at the head of the Adriatic out of which arose the great and flourishing republic of Venice (and compared with which even the Isle of Sable is an empire), I would ask whether you conceived it possible that even the industry and ingenuity of man could build up a mighty state out of such contemptible materials? Did the stately palaces grow from out that barren soil? Were they formed, like the wreathed coral, by the spontaneous resources of the sea? No; but they grew with the growth of Venetian intellect, discipline, and industry; they grew as a regard for the honour and interest of St. Mark became a fixed principle of action among his children; and with them grew internal strength and moral influence abroad. And how did it happen that of all the states of Italy, no fitting rivals could be found for these people but in the confined and rugged borders of Genoa? What earned her the title of "the proud"—gave her the mastery of distant seas, and almost the command of the Eastern Empire? Was it her situation, her soil, her climate? Had she any advantage in point of time, or territory, or population, over the other states of Italy? Not at all; but courage and enterprise, love of country and high-toned ambition overcame all obstacles, won every advantage, and gave to a little circle of rocky hills a name, an influence, and a degree of wealth and power, to which in her early days it would have appeared like madness to have aspired.

Need I name Florence to you or ask why the modern traveller, with

bounding heart and excited imagination, hastens by the other cities of Italy to bend his gaze on her? Is it because there is any magic in the Arno—any higher charm than nature has bestowed on other streams? Can the country around it vie with the beautiful and sublime, the dazzling but barren dowry, of many a nobler scene? Why, then, does Florence claim such especial regard? Because within her borders were displayed, during a long period of her history, the highest qualities of the human mind, threading and controlling the dark and intricate policy of the times, influencing the fate of nations, and winning lustre and respect by the finest achievements in literature, science, and art. The wisdom, self-devotion, and genius of her sons, secured to her the best rewards of agriculture, commerce, and manufactures; raised her up to a degree of grandeur and authority, which nature would seem to have denied; and filled her with objects to attract the attention and excite the wonder of every succeeding age.

Who would seek, in the sluggish rivers and mud flats of Holland, for the materials of a great and flourishing state? Who would expect of the inhabitants of such a country, to do more than subdue the prominent disadvantages by which they were surrounded; to atone, by the most persevering industry, for those inequalities of fortune that would appear to distinguish them from their more highly-favoured neighbours; and subject them for ever to mortifying contrasts on the scale of national importance? But, do we not find, in the flourishing cities of Holland, her crowded marts, her powerful armaments, her distant colonies, her honourable name, the most unequivocal evidences of the boundless resources and energy of the human mind; rising superior to the obstacles of nature, draining the land, and subduing the sea, exacting tribute from the idle and improvident, and going on conquering and to conquer, so long as rightly disciplined and directed, and stimulated by the hope of honourable rewards?

Turning to Britain, we have a more striking illustration—one that we may be pardoned for contemplating with pride. Who among you is so ignorant as to believe that her prosperity and power—her boundless treasures of industry and art—her moral influence and honourable renown,—are either the fruits of her position, her superiority of soil and climate, territorial extent, or of any start which circumstances gave her, in the march of civilization, over the other countries of Europe? If her greatness grew out of her position, why were not the islands of the Mediterranean more commercial, prosperous, and impregnable, than the countries upon the main? If an insular situation is indispensable to the creation of naval armaments, the prosecution of foreign commerce, the establishment of distant colonies, how does it happen that all these were acquired by Holland, Portugal, and Spain? In soil and climate, so far from having any advantage, she is behind her rivals; in size, she is less than Prussia, and not half so extensive as France or Spain; and in point of time, when Italy was a garden, she was but a desert. Where then lies the true secret of Britain's influence and renown? You must seek it in her nobler institutions—

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her higher political and social cultivation—her superior knowledge, enterprise, and freedom; and above all, in that high-toned patriotism and national pride, which stimulates her sons to enlarge her borders—pour the riches of the universe into her bosom—and, by the highest flights of valour, genius, and self-devotion, illustrate her history and adorn her name.

Shall we, then, disregard these great lessons? Shall the muse of history teach us this admirable philosophy in vain or point unheeded to those bright examples recorded by her pen? No—I trust not. Let us pledge ourselves to each other to study them with attention, to impress them upon the minds of our neighbours and friends, to teach them to our children, and to seek from them consolation and encouragement amidst the difficulties we may have to encounter, in developing the resources of this young and growing country.

You will readily perceive that I wish to show you how national happiness, influence, and glory are comparatively independent of those circumstances which are vulgarly believed to create them, and that a people, though ever so few in numbers and deficient in physical resources, may, by a due appreciation of this truth—by a due estimate of early combination and perseverance, form their own destiny—control their own fortune, and earn for themselves a measure of improvement, influence, and renown, out of all proportion to the gifts of nature and the apparent means at their command.

But, it may be said, what reward shall we reap by forming resolves, encouraging each other, and acting upon these examples? The first fruits would scarcely be ripened in our time, and even if our convictions were seconded by our descendants, centuries would perhaps pass away before anything brilliant or important could be achieved. Did our forefathers, who have done so much for us, reason in this way? Did they shrink from clearing the forest, encountering the savage, from making roads, erecting churches, colleges, and schools? Did they withhold from us the instruction which our wants demanded, and their situations enabled them to afford? Did they do everything for the present and nothing for the future? And if their labours have taught us to look back with gratitude, ought we not to look forward with hope, to raise in our own times the structure of domestic happiness and prosperity (the foundations of which were laid broad and deep) as high as our means will permit—trusting to those who come after us to ornament and perfect the work? Yes, let us imitate the example of the benevolent husbandman, who sows his grain in confidence, without stopping to inquire if others may not reap the harvest, who plants the tree, and engrafts the twig, though neither may blossom beneath his eye, nor bear fruit until he is in his grave.

But you may ask me to descend from generalities, and deal a little in detail. So far as the limits of this address will permit, I am content to do so: and beginning with Agriculture, I will suppose that you demand of me how our soil is to be brought up to an equality with that of more favoured lands? and I answer—by higher cultivation; by intense study of its composition and capabilities; by enlightened and assiduous management; and by the applica-

tion of all those chemical and mechanical improvements which promote fertility and amelioration, and have been treasured by the experience of the past. How are we to raise manufactures? By importing nothing which our own industry can supply at as low a rate, and by multiplying those bulky and cheap productions, which enjoy some protection from the cost of transportation. Though the facility with which we are deluged by European manufactures on the one side and those of the United States, forced into existence by wars and high duties on the other, at present prevents, and may for many years retard, the formation of some establishments that are eminently to be desired; still, as the natural capabilities of our country for the prosecution of this branch of national industry are great, I do not despair. Indeed there can be little doubt that, if the proper encouragement is given, as the cost of substance and of labour falls, domestic manufactures will take firm root in the soil, and if once reared they may be carried to any extent.

As respects commerce, there is no reason why Nova Scotia should not be eminently commercial; because, although our power of agricultural production may be restrained by our narrow limits and by the character of our soil and climate; and although the growth of manufactures may be retarded by the trifling domestic demands of a thin population, and the direct competition of older and more wealthy states, there are no such formidable obstacles to the rapid growth of a commercial marine and to the almost indefinite extension of domestic and foreign trade. I know that this opinion will be regarded by many as absurd, but it is the result of some thought and of a firm conviction. It is not essentially necessary that a country should produce largely, in order to secure the advantages of commerce—provided her people have more industry, economy, enterprise and intelligence, than their neighbours, and are contented with smaller profits. The whole world is open to a people possessing these qualities; and, if brought to bear, for any length of time, upon the most sterile and unpromising spot that skirts the ocean, they will infallibly make it wealthy, populous, and powerful.

The Phœnicians produced neither the gold of Ophir, nor the corn of Egypt; the Genoese had no natural claim to the rich harvests of the Crimea, or the sturgeon of the Black Sea; and yet they made more by the interchange of these commodities than the people by whom they were prepared. What gave the Dutch almost a monopoly of the wheat of Poland and the spices of the Indian isles? The qualities to which I have referred. Who will say that it has not been by establishing commercial relations with all parts of the earth, and becoming the factors of all other nations, rather than by the force of domestic production, that Great Britain has attained the unexampled rank and opulence she enjoys?

What natural connection is there between Glasgow and the North American forests? and yet one house in that city, composed of a few enterprising, intelligent, and frugal men, have established stores and mills in every part of Canada and New Brunswick, buy and sell nearly half of all the timber cut,

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and out of the profits of their trade have created a fleet of ships, the finest ornaments of the Clyde, and which would almost furnish a navy for a third-rate European power. Was it skill, economy, and enterprise, that enriched Salem by the India trade, and Nantucket and New Bedford by the whale fishery? or was there any exclusive privilege, any singular advantage, which enabled their inhabitants thus to outstrip the other seaports of the United States? I might multiply these illustrations without end; but enough has been said to show you the grounds of my belief, that if the requisite qualities are cultivated and maintained, we may attain a degree of commercial greatness and prosperity, to which, in the present depressed state of our trade, it would appear like madness to aspire.

Let me not be misunderstood. I am neither seeing visions nor dreaming dreams, but reasoning upon facts sanctioned by the experience of ages. I wish to build up agriculture, commerce, and manufactures, upon the surest of all foundations—the mental and moral cultivation of the people. If knowledge is power, let us get knowledge. If our position presents difficulties, let us study to overcome them; and if we can only surpass others, by a higher measure of patriotism, sagacity, and endurance than they possess, let us never cease to hope and labour until that standard is attained. A German economist, in treating of the elements of national wealth, beautifully characterizes that general intelligence to which I refer, as the “capital of mind,”—that capital without which a country, richly blessed by nature, may be poor indeed; but which is capable of raising up even a little Province like this, until its population is swelled to millions, until its canvas whitens every sea, and even its rocky hills are covered with fruitfulness, and its wildest glens are made to blossom as the rose.

But, setting aside all views of political advantage, all hopes of individual or national opulence, is it not worth our while to get knowledge for its own sake? to love and cultivate literature, science, and the arts, for the delight they afford and the honour and distinction they confer? Scotland’s reputation for general intelligence is worth something to her, independent of the more solid advantages it yields; and Massachusetts has earned by her early discipline and general cultivation, a name useful and honourable at home and abroad. The high character for probity and intelligence which British merchants have established throughout the world, secures confidence and respect, to say nothing of positive profit. Edinburgh’s title of “Modern Athens” is worth the exertions it cost; and the solid reputation for skill and intelligence which the mechanics of Glasgow have earned, would be honourable, even if it were not the foundation of great productive power.

Are these shadows, vague and unsubstantial? or are they prizes, worthy of the combined exertions of rational beings—stimulants, that we should duly appreciate, and endeavour extensively to apply?

But, it may be said, how can we earn distinction in literature, science, and

art, when we are far removed from those great marts where excellence in these things meets the highest rewards; and where the materials out of which they are created are almost exclusively treasured? I admit that there is much reason in the objection; and that in these, as in those things to which I have already referred, we labour under difficulties and have many obstacles to surmount. But I do not think that in all cases these are insuperable, or that they may not be overcome by the resources of genius, aided by patriotic self-devotion and an ardent pursuit of knowledge.

Though there are many walks of literature, where others have earned distinction, from which we are shut out by our position and comparatively infant state, there are others, in which much may be done, even by the ambitious youth of Nova Scotia, by a right application of their powers and a judicious employment of their time. The sonnets of Petrarch, the sublime poems of Milton, the sacred melodies of Byron and Moore, and many of the finest dramas of England and France, might, by the same combination of genius and self-devotion, have been produced in this or in any other country. The history, poetry, and general literature of the world are now open to us, as they were to them; and, except where peculiar associations and minute local knowledge are required, the daring and imaginative spirits of Nova Scotia may learn to imitate, and possibly rival, the great masters by whom they are taught. A Nova Scotian could not have written "Pelham" or "Waverley"; because the one describes a state of society of which he can form but vague ideas, and the other exhibits an acquaintance with the traditions, customs, and topography of a distant country, that he could scarcely acquire. But what should hinder him from producing any of the countless and beautiful tales with which English literature is rife, and that owe their celebrity to the faithful portraiture of the human heart; the illustrations of those virtues, passions, and imperfections which have distinguished man in every country and in every age?

If it be said that wealth and leisure are essential to the acquisition of scholarship, and the production of works like these; may I not ask if many of the finest scholars of Europe have not been miserably poor and if many of the noblest productions of her literature have not been created by men labouring under disadvantages from which the majority of our countrymen are comparatively free? We cannot have access to the splendid libraries of the old world; but, by combination and perseverance, we may provide ourselves with such as shall be extensive and respectable, and bring within the reach of all classes of the people, more books than were ever read by thousands of those who have distinguished themselves by the productions of the mind.

As regards the sciences, though we may lack many of the facilities for study and experiment that abound in older countries, still, the materials of all science surround us on every side, and hold out rich rewards to those who

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shall use them with skill and perseverance. In chemistry, geology, pneumatics, electro-magnetism, optics, natural history, astronomy, and medicine, how many brilliant discoveries are to be made and how splendid a reputation may not the assiduous pursuit of either or all of those sciences, even in this little colony, confer?

Though the study of art is so essentially imitative, that without access to those monuments which the great masters have left behind them it may be almost impossible to produce anything of real value; still, I treasure the belief, that if our wealthy youth would devote half the time to painting, sculpture, and music, which they sometimes give up to debauchery and frivolous amusements; and if, instead of wasting months in the enjoyment of the sensual pleasures of the European cities, they would give them to the study of the immortal productions they contain,—that many years would not elapse before even in art some respectable progress might be made, and a knowledge of its wonders, and a right appreciation of its beauties, be more extensively diffused.

I might dwell much longer on these topics, but the limits of your patience and my paper warn me to desist. In conclusion, I would again remind you that both honour and interest distinctly mark the paths which we should tread. We are few in numbers; our country is but a narrow tract, surrounded by populous States; and we have no prospect of distinction—I had almost said of future safety—but from high mental and moral cultivation, infusing into every branch of industry such a degree of intellectual vigour as shall insure success, multiply population, and endow them with productive power.

As we grow in knowledge, the contrast between Nova Scotia and her neighbours will be less striking; the evidences of their superiority less disheartening and distinct. But this is not all. As the standard of mental and moral character is elevated; as we become distinguished by an ardent pursuit of truth, by the noble flights of genius, the graceful creations of fancy—those things which are independent of mere politics and economy—Nova Scotia may acquire a reputation, which, in peace, will be a universal passport for her sons, and in times of peril must secure for her sympathy and support.

This Institute has already done much to accelerate the march of improvement. Its resources were never greater than at the present moment; its prospects more brilliant; the hopes of its friends better sustained. I know that you who have the power will continue to labour for the improvement of the young; and I feel assured that those of us who may outlive the vigour of youth, will find the boys reared in this Institute the props and instructors of our declining years. They will mount the platform to pay us back with interest whatever we may have bestowed. They will make our grey hairs honourable by their improvements in manners and in mind; they will shower upon our fading intellects the discoveries of modern science, and delight us

with the higher philosophy of a riper and more cultivated age. And should they, in turning back to the past history of the Institute, recall any of the views which I have endeavoured this evening to develop—though they may smile at the imperfect language in which they were conveyed—I think their experience will prove them to have been correct ; and justify the only apology, which, in the language of the Roman orator, I make for their expression—

“ Who is here so vile that will not love his country?
If any, speak ; for him I have offended.”

CHAPTER II

1835

Attack on magistrates in *The Nova Scotian*—Joseph Howe indicted—Preparation of defence—The jury—Mr. Gray's opening address—Mr. Howe's address to the jury—Attorney-General's closing address—Charge of Chief-Justice Halliburton—Verdict of "Not Guilty"—Presentation to Mr. Howe—Railway to Windsor—Grievances of Lower Canada—Letter to Mr. Chapman—Death of Joseph Howe's father.

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ON the 1st of January, 1835, there appeared in *The Nova Scotian* a letter signed "The People," in which the magistrates of Halifax were accused of misconduct. The letter, written by Mr. George Thompson, a friend of Mr. Howe, will be found in the report of the proceedings of the trial. Very soon after its publication, a prosecution for criminal libel was instituted against Mr. Howe, and the trial took place in March. Mr. Howe conducted his own defence.

Up to this period the general mass of his countrymen did not know that he had the orator's gift of speech. Everybody knew that he could write, and it was equally well known that seven years of close study, and attention to public affairs, had made him an acute politician; but nobody was prepared for a successful début as a popular speaker. Many years have elapsed since the delivery of Mr. Howe's address to the jury. For many reasons it may be regarded as one of the most remarkable of his speeches. As a forensic effort, aimed at the consciences and sympathies of a jury by a man who had never addressed a court before, and never did again, it was most successful. As an ingenious argument, addressed by a layman to a legal tribunal upon an important branch of the law, it is sufficiently curious. But when we consider that a municipal system that had existed for nearly a century was smitten down in a day by this single speech, and never recovered from the effect of the blow until superseded by a liberal Act of Incorporation, its value, whether regarded as an appeal to the passions or to the good sense of the community, can scarcely be over-estimated. To deliver such a speech, at such a time, required some moral courage. Responsible government was then unknown to the institutions of British America.

There was not an incorporated city in any part of the Provinces. They were all governed, as Halifax was, by magistrates, who held their commissions from the crown, and were entirely independent of popular control. Neglect, mismanagement, and corruption, were perceptible everywhere, and nowhere had greater dissatisfaction been created than in the capital of Nova Scotia. The remedy for all this was not very clearly discerned in 1835, but a sense of the grievance was universal. Immediately after Mr. Howe's acquittal, all the magistrates in Halifax resigned. An attempt was then made, by the selection of others, and by the appointment of a legal gentleman as Custos, to retain the old system, but it only staggered on for a few years longer. The cry for an Act of Incorporation became daily more loud and general, and gathered strength as the demand for municipal reform in the mother country came, wafted across the Atlantic in every mail. In 1840, Mr. Howe went into the Provincial Cabinet stipulating for responsible government and the incorporation of Halifax. A bill was brought down in the session of 1841, and soon after, he had the satisfaction to see the old system which he had attacked and exposed, swept away, and his native town clothed with municipal privileges and securities, in the enjoyment of which it could flourish and expand.

It has been deemed best to give the report of this trial entire, as it appeared in the papers of the day, and in a small pamphlet now almost entirely out of print. Mr. Howe laughingly described to friends the circumstances which compelled him to the preparation and delivery of his own defence.

"I went," said he, "to two or three lawyers in succession, showed them the Attorney-General's notice of trial, and asked them if the case could be successfully defended? The answer was, *No*: there was no doubt that the letter was a libel; that I must make my peace, or submit to fine and imprisonment. I asked them to lend me their books, gathered an armful, threw myself on a sofa, and read libel law for a week. By that time I had convinced myself that they were wrong, and that there was a good defence, if the case were properly presented to the court and jury. Another week was spent in selecting and arranging the facts and public documents on which I relied. I did not get through before a late hour of the evening before the trial, having only had time to write out and commit to memory the two opening paragraphs of the speech. All the rest was to be improvised as I went along. I was very tired, but took a walk with Mrs. Howe,¹ telling her as we strolled to Fort

¹ Mr. Howe married, on February 2nd, 1823, Catharine Susan Ann MacNab, only daughter of Captain John MacNab, by whom he had ten children.

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Massey, that if I could only get out of my head what I had got into it, the magistrates could not get a verdict. I was hopeful of the case, but fearful of breaking down from the novelty of the situation and from want of practice. I slept soundly and went at it in the morning, still harassed with doubts and fears, which passed off, however, as I became conscious that I was commanding the attention of the court and jury. I was much cheered when I saw the tears rolling down one old gentleman's cheek. I thought he would not convict me if he could help it. I scarcely expected a unanimous verdict, as two or three of the jurors were connections, more or less remote, of some of the justices, but thought they would not agree. The lawyers were all very civil, but laughed at me a good deal, quoting the old maxim, that 'he who pleads his own case has a fool for a client.' But the laugh was against them when all was over."

The trial, which was a trial at bar, began on Monday, March 1st, 1835. The special jury summoned to try this cause having been called, eleven only answered to their names. One gentleman, who had been a magistrate, was excused from serving by the court, and the Attorney-General having prayed a tales, the following persons were sworn :

Charles J. Hill, John Welner, Robert Story, Robert Lawson, Edward Pryor, jun., Archibald McDonald, James H. Reynolds, Samuel Mitchell, David Hall, Thomas A. Bauer, Edward Greenwood, Duncan M'Queen. Mr. Hill was appointed foreman.

JAMES F. GRAY, Esq., then opened the case with the following address :

My Lords, and Gentlemen of the Jury,—It becomes my duty, as one of the retained counsel in this case, under the direction of the Attorney-General, to open the charge and explain the principal circumstances connected with it. Although this charge is not one of common occurrence here, it is well known to the law and is provided for by fixed legal principles. The indictment in this case, after setting forth the usual inducements, states the particulars on which the charge is founded. As it is not usual for the officer to read the indictment in libel cases, the opening counsel may feel it his duty to explain its particulars, so as to enable the jury to understand the nature of the charge.

The indictment states, that on the first of January, a certain libel was published in *The Nova Scotian* newspaper, with a view to injure and degrade and bring into disgrace, the magistrates of the town of Halifax. The libel, which is described as false, infamous, defamatory, and malicious, was signed "The People," and contained charges on which these counts were laid. [Here Mr. Gray read, and made brief remarks on, the letter as contained in the indictment.] To this indictment Mr. Howe pleaded, and declared himself not

guilty. On this the usual steps occurred; and now, gentlemen of the jury, you are impanelled to investigate the circumstances of the charge; to try whether the defendant has published the letter charged, and whether it comes under the denomination of what is called in law, a libel. The letter was contained in a newspaper of which Mr. Howe is the acknowledged editor and proprietor. When the publication was made, the magistrates applied to the Governor, praying that such a course should be adopted as would bring the matter before a court of justice. His Excellency transmitted the application to the Attorney-General, and placed the affair in his hands. The law officer, in virtue of his office, has more power than any other advocate, and of two courses he might make choice of either. He could have filed an *ex-officio* information, on behalf of the Crown, which, without any preliminary inquiry, would place the defendant upon his trial. That course he did not adopt. I am glad that he did not, although the practice has been frequently resorted to in England. He adopted a course more consonant to the principles of public liberty; he laid the charge before the Grand Inquest of the county, a bill was found by them, and now Mr. Howe takes his trial as he would for any other criminal offence. He is put upon his trial as the publisher of a letter which is designated a libel. It may be said by some, why prosecute the publisher? Why endeavour to punish him, instead of the author of the alleged libel? The answer to this may be given by saying, that it is the publication which constitutes the offence.

In this case it will be shown that the letter was published, and that Mr. Howe was the instrument of publication. The proprietor of a newspaper is liable for all which appears in that paper. Even if he were ignorant of a matter until it came before the public, still is he held responsible; when he undertakes to manage a paper, he is answerable for all that appears in its columns, and he should be so answerable. If in all cases the author should be resorted to, how is the author to be found? Or, if an author were given, might it not be in the following manner: not intimating, however, that Mr. Howe would act in the supposed manner; from what I believe to be his spirit, I would conclude that, in any case, he would rather appear himself than give up an author,—but suppose that it was obligatory to proceed against an author rather than a printer, might not the publisher give the name of some person without property, from whom a fine could not be exacted, and to whom confinement in a prison would be provision of food and lodging? The publisher is the person guilty of the offence; between him and the public the question rests. He should be guarded as to what he publishes, and so guarded in doubtful cases as to be able to make amends for any difficulties which may ensue.

A libel in law is defined to be a malicious defamation, either by writing or pictures, tending to blacken the character of the dead, and thus to excite the living; or reflecting on the living so as to injure reputation, and to endanger the peace of society. As regards public persons, official char-

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acters, magistrates and other functionaries, the law considers a libel a higher offence than when committed against private individuals. When committed against persons in authority, the crime is looked upon as an attack on the Government; not only as a breach of the peace, but as a scandal against all authority. You, gentlemen, are to say whether this publication comes under this description; whether it is directed against a body of magistrates, and is calculated to bring such a body into contempt, disrepute, and disgrace.

We will have to prove, not only the publication of this letter, but that Mr. Howe published it, and that its intention and design is as laid in the indictment, to injure and degrade the magistrates. Having done this, as the law formerly was, we might stop; you would have to pronounce on the fact of publication and the intent; and if enough on these points were shown to you, our case would have been complete. But in consequence of great exertions of English lawyers, an alteration in these matters has been made; cases of libel are now placed on the same footing as all other criminal cases; the jury are made judges, taking the law for their guidance from the court. This enables a jury to take a view of all the circumstances of a case; formerly the court had the sole consideration of the question of libel, now it is for you to say whether or not the matter charged is of a libellous nature, as well as to say who is the publisher, and what his intent. One ingredient in a libel is malice. Before the passing of the statute alluded to, the question of malice was virtually referred to the court; and if malice was to be inferred, the legal inference was that malice was contained. Now it is for the jury to decide on this, as on the other features of the case. Malice has not the same meaning in legal as in common language. By legal malice is meant, that the party charged did an injurious act which he was not justified in doing. If a libel be published calculated to do evil, to bring persons into contempt and disrepute, such a publication must be supposed malicious until the contrary be shown. But the contrary cannot be shown, except by proving the publication accidental, or accounting for it in some way which is impossible in this case, for the proprietor of a paper is responsible for all that appears in its columns. If so, then the present defendant is guilty of publishing a malicious libel: he has published that which has a tendency to produce disgrace and contempt towards certain persons; and the law infers that he did it maliciously.

As regards the mode of prosecution,—this libel is not aimed at any one individual; no one is selected as a particular mark; if a particular person or persons had been selected, you would not have found the indictment laid by the whole body. This difference exists between a proceeding by indictment, and one by civil action. Under an indictment, the proof of truth or falsehood cannot be allowed; the question is concerning the committal of an injurious act. I am instructed to say, that nothing would be more desirable to the magistrates than that such proof could be allowed; but it cannot. In indictments, the King becomes a party in behalf of the public against a person

who is charged with some act injurious to good government. If an individual had proceeded by indictment, you might say—although I do not intimate that you ought to say so, for true or false, a matter of injurious tendency should not be published—but you might say, the person who comes forward in this sheltered manner does not deserve such a shelter. No such objection can be made in the present case; the magistrates have no right to hold a civil action; as a public body they cannot seek redress by private action. They had no remedy left except to proceed in the present mode; and, in this mode, the prosecution has been conducted in the most liberal manner. The grand jury have passed their opinion on the case, it appears in this court, and here you are made the judges of it. But suppose justification could be given in any such case, is this such an one? Is a particular person injured here or a particular number of persons? No, but a whole body. Is the present time only alluded to? No, but the long period of thirty years. This body, during that period, is charged with having dishonestly pocketed public money. Is such a charge capable of justification? How many of them have handled public money? Several of the body charged, now alive, and some now no more, have performed public duties, without any benefit to themselves; they have acted as guardians of public order without ever having been receivers of public money. Yet this charge affects all. I wish that justification could be allowed, for it would fall short; it would be in vain for the defendant to prove against one, two, or three; he should show that the whole body was guilty, or justification could not be sustained. Under this libel, which of the body charged can say that they are innocent? It allows that all are not guilty, but who can say, I am one of the innocent men alluded to? If no notice were taken of this matter, it might be said, such and such charges were made against the whole body and no steps were taken to rebut them. This consideration induced the prosecution, but many of the magistrates regretted that it could not be brought in another shape. It is impossible for the jury to say there is not sufficient defamatory, malicious matter in this letter to constitute a libel. The defendant stands charged with every passage taken together, and with each taken separately; one part does not alter the effect of another; the persons excepted are not designated; all are charged in general terms. Caution at least would have been expected from the defendant. It may be said, who does not know the persons more particularly alluded to? Who is there that cannot select those charged in the publication? But I ask, is this confined to the town of Halifax? Is it confined to the Province of Nova Scotia? The ability of the publisher of this generally well-managed paper, has extended its circulation over the neighbouring Provinces and States, and this libel is disseminated wherever the paper goes. If in a foreign land, one of those charged were, very naturally, to take some credit for having served in an honourable office, it might be said, for that very reason you are subject to disgrace; the body to which you belonged was publicly charged with wrongdoing, and you stand as one of the implicated. None of the magistrates, none

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of their connections, but might meet with such insults, and all'owing to the publication of this libel. The talent and industry of the editor, which occasioned the wide circulation of his paper, instead of giving a license, ought to furnish additional reasons for caution and prudence. The liberty of the press is a theme with many: but if the liberty of the press is to justify every publication, then, no matter what was said, who was injured, none could get redress. The liberty of the press has been defined to be a liberty to publish thoughts, subject to legal consequences. Is this such a candid discussion of public measures or men, as could be tolerated? Far from it. If a belief were entertained that certain of the magistrates were guilty, the supposed guilty persons should have been named in the charge; those acknowledged to be innocent would not then be implicated, although the letter would still contain a libel, because there were other modes of correcting the evils complained of. The courts of justice were open, in which complaints might be made, and would be attended to; by a petition to the Governor, the dismissal of a guilty party might be procured; so that if grievances existed, and the truth only were published, it would not be justifiable, for no necessity could exist for the publication. Discussion respecting public men should be confined to public measures, and to the manner in which public duties were performed; but this sweeping crimination could not be at all justified; if it were, worse effects would follow than would result from any restriction of the press.

There is no doubt that the counsel for the prosecution are contending against the popular side of the question; but juries in Halifax have always done justice between parties, uninfluenced by such considerations. I am sure, gentlemen, that you will freely and properly decide as to the merits of the case; you will say whether the charges in this letter are such as should have been made and whether their nature or their consequences call for consideration. Whatever your verdict may be I shall be satisfied, and will now leave the question in the hands of those, who, I am confident, will act justly in the matter.

Hugh Blackadar was called on the part of the prosecution to establish the publication of the alleged libel. Mr. Blackadar did not answer, and Mr. Howe immediately admitted that he was the proprietor of *The Nova Scotian*, and that the article had appeared in that paper, with his knowledge, on the 1st of January last. The Prothonotary then read the letter, which was as follows:

“ ‘There is no truth at all!’ the oracle!
The Sessions shall proceed—this is mere falsehood.’

SHAKESPEARE.

“MR. HOWE: Sir,—Living as I do in a free and intelligent country and under the influence of a constitution which attaches to our rulers the salutary restrictions of responsibility in all matters of government, is it not surprising

that the inhabitants of Halifax should have so long submitted to those shameful and barefaced impositions and exactions, which have from year to year been levied on them, in the shape of town and county taxes? Repeated attempts have from time to time been made by independent-minded persons among us to excite amongst their countrymen some spirit of resistance or opposition to those unwarrantable and unequal exactions, which have been drained from the pockets of the public. But it seems to me that the torpid indifference to public matters which has hitherto been the general characteristic of the people, has at length become quickened and aroused by a calm and deliberate reflection on what must be their future condition if they any longer neglect to look after the servants of the state. In a young and poor country, where the sons of rich and favoured families alone receive education at the public expense—where the many must toil to support the extortions and exactions of a few; where the hard earnings of the people are lavished on an aristocracy, who repay their ill-timed generosity with contempt and insult; it requires no ordinary nerve in men of moderate circumstances and humble pretensions, to stand forward and boldly protest against measures which are fast working the ruin of the Province. Does there, Mr. Editor, exist in any free state, save Nova Scotia, a responsible magistracy, who would for thirty years brave and brook the repeated censures of the press, without even attempting a justification of their conduct, or giving to the public some explanations that might refute those *unjust and licentious libels*, which have repeatedly been a disgrace to them or to the press of the country? Are the journals of our land exclusive? do they admit only the wild and reckless portion of the people, and shut their columns against the sober and discreet supporters of the men in power? I cannot think this, Mr. Howe; and yet weeks have elapsed since charges too grave to be slighted, and too plain to be misunderstood, have been placed, through the medium of the press, before the eye of the public, and yet no champion of the sacred band has taken the field to deny or to explain. I candidly and willingly admit that there are in the ranks of the magistracy, individuals justly entitled to the esteem and respect of their fellow-townsmen, but they have mostly left the arena, disgusted with the scenes that were enacted by their more active and energetic brethren. I will venture to affirm, without the possibility of being contradicted by proof, that during the lapse of the last thirty years, the magistracy and police have, by one stratagem or other, taken from the pockets of the people, in over exactions, fines, &c. &c., a sum that would exceed in the gross amount £30,000; and I am prepared to prove my assertions whenever they are manly enough to come forward and justify their conduct to the people. Can it not be proved, and is it not notorious, that one of the present active magistrates has contrived for years to filch from one establishment, and that dedicated to the comfort of the poor and destitute, at least £300 per annum? Can it not be proved, that the fines exacted in the name and on the behalf of our Sovereign Lord the King, have annually for the last thirty years exceeded £200; and of this sum His most Gracious Majesty has

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received about as much as would go into the royal coffers, if the long dormant claim of the Quit Rents was revived imprudently? Is it not known to every reflecting and observant man, whose business or curiosity has led him to take a view of the municipal bustle of our Court of Sessions, that from the pockets of the poor and distressed at least £1000 is drawn annually, and pocketed by men whose services the country might well spare? These things, Mr. Howe, cannot much longer be endured, even by the loyal and peaceable inhabitants of Nova Scotia. One half of the most respectable of the middling orders have this year been sued or summoned for the amount of their last year's poor and county rates; and nearly the whole town have appealed or are murmuring at the extravagant amount of the assessment for the present year. I will venture to affirm, and have already affirmed in a former number, that £1500 ought to defray all ordinary expenses for the county; and by the speech of His Excellency at the opening of the session, we are informed that the people of England have, with their wonted generosity, relieved us of a large portion of the extraordinary expenses which the visitation of Providence rendered necessary. In fine, Mr. Howe, the affairs of the county have been for years conducted in a slovenly, extravagant, and unpopular manner, and the people have been entirely in the dark as regards the collection and appropriation of their moneys, but they have now amongst them a Chief Magistrate who has pledged himself to be candid, and I trust we will find him impartial also. I am neither a flatterer nor a physiognomist, but I cannot help observing in the martial tread and manly mien of our present Governor, some of the outward features of the late Sir John Sherbrooke, and if the inward man be corresponding, there is yet some hope for

THE PEOPLE."

Mr. Howe inquired of the court whether he was not entitled to the names of the prosecutors. The Chief-Justice answered that the court knew nothing on that subject; they referred to the Attorney-General. The cause was brought before them by the grand inquest of the county, and should be tried in the usual manner.

MR. HOWE then entered upon his defence, and spoke to the following effect:

My Lords and Gentlemen of the Jury,—I entreat you to believe that no ostentatious desire for display has induced me to undertake the labour and responsibility of this defence. Unaccustomed as I am to the forms of courts and to the rules of law, I would gladly have availed myself of professional aid; but I have felt that this cause ought to turn on no mere technicality or nice doctrine of law, but on those broad and simple principles of truth and justice to which an unpractised speaker may readily appeal, and which an impartial jury can as clearly comprehend. I have felt, besides, that if the press is to be subjected to a series of persecutions such as this, it is indispensable to the safety of those who conduct it that they should learn to defend themselves.

Believe me, also, that the notoriety and excitement of this proceeding are foreign to my taste. Men of my profession, whose duty it is to mingle in public contests, and while watching over the general interest, to wrestle with those who menace or invade, are too often reproached with the invidious tasks they perform, and suspected of a morbid fondness for contests into which they are impelled by a sense of the obligations that public faith and common honesty call on them to discharge. Those who know me best well know that I would rather give the little leisure that a laborious life affords to my books and my fireside—to the literature that ennobles, and the social intercourse that renders society dear, rather than to those bickerings and disputes by which it is divided, and by which man is too often, without sufficient cause, set in array against his fellow-man.

But, my Lords and Gentlemen, while this is my disposition, and these my favourite pursuits, I have too strong a sense of what I owe to my profession and to the well-being of the community in which I reside, to shrink from any peril—from any responsibility or toil, that the vital interests of these impose. I have never done so—and though often sorely beset, and mentally and physically, if not legally tried, I have endeavoured at all hazards, and sometimes against fearful odds, to keep on a course of consistent public duty, from the even line of which no consideration could sway me to the right or to the left. In obedience to that sense of duty I now stand before you to answer to the charge contained in the indictment which has been read and explained to you by Mr. Gray. To that indictment I have pleaded *Not Guilty*, and I am now to explain to you why I conceive that I have been harshly and yet innocently arraigned.

And here I may be permitted to thank Heaven and our ancestors that I do not stand before a corrupt and venal court and a packed and predetermined jury to contend against those horrible perversions of the constitution and the law, by which justice and common sense were formerly outraged, and by which many an innocent and virtuous man has been cruelly condemned. Aided by the talent and the independent spirit of the English bar, and by the intelligence and determination of English juries, the press has long since achieved a triumph which, without placing it above the law, or endowing it with any mischievous privilege, has formed its chief security and defence. Formerly, in cases of libel, instead of the jury being called on to give a general verdict, founded on their own view of the law and the facts, they were directed to determine only whether the matter in question had been published by the party arraigned; and if it had, the judge assumed his guilt, and a wicked minister often awarded the punishment. But, thank God, those days are passed. Such a prostitution of judicial power can never occur again under the shadow of the British law, for no jury within the wide circle of the empire would submit to such an infraction of their privilege, even if a judge could be found daring enough to attempt it. Men charged with libel are not now to be tried by the mere fact of publication, nor even by the tendency of what they

print, though that may be most evil and injurious, but as they are tried for all other crimes—by the intention, the motive, with which they committed the act. If, in resisting a burglar, I knock my friend upon the head, I cannot be convicted of crime; and if, in opposing a public robber, I utterly destroy his reputation by the exposure of his malpractices, the jury try me by my motive, not by the severity of the infliction, unless the punishment be utterly disproportioned to the crime. Nay, if in performing this justifiable act, I, without any bad design, inflict some injury on the innocent, the jury have the right, on a careful review of my conduct, to balance the object in view against the unintentional evil, and to give me a discharge.

To fix and determine these principles cost years of litigation and legislation, and although our hearts might be nerved, and our feelings sublimated, by turning back to the fiery ordeals through which they passed, I will not now occupy your time with references that I know the clear and distinct direction of the bench will render unnecessary. Their lordships will tell you that you are the sole judges of the fact and of the law; and that although every word of what I have published were false, and its tendency most injurious, that you are to try me solely by the motive and intention by which I was controlled. Nor, gentlemen, were such the case, would I be afraid to be so tried; even then I would rely on your firmness and sagacity, confident that you would vindicate your rights and do me justice. And if, in a situation of so much greater peril, in a position ten thousand times more invidious, I could appeal to the court, the jury, and the law, with how much more security and confidence may I not only rely upon your verdict, standing before you as I do, for publishing what, had the opportunity been afforded, I would have convinced you was true, and the tendency of which has been and must be most salutary and beneficial.

And here may I not ask if it is not a most extraordinary thing that men whose conduct has been publicly and fearlessly arraigned—that men who pretend that they have been injured, and that an ample investigation is indispensable in order that their characters may be cleared—should have brought their action in such a way as to defeat the very object they pretend to have in view? If they were serious, why did they not bring their action on the case, lay their damages, and submit their administration to the most ample inquiry? But they have chosen their course, they have made their election, and depend on it they shall have the full benefit of every advantage it affords. Shortly after the publication of the letter recited in this indictment, a notice appeared in *The Halifax Journal* requesting the public to suspend their opinions until the magistrates could come forward and prove the falsity of the charges in a court of justice. The public have suspended their opinions; you gentlemen of the jury have doubtless suspended yours, waiting the promised proof; and now you see the way in which it is to be given. Could you be convinced of their innocence, unless I were permitted to bring evidence—why, then, have they brought their action in a way that renders that impossible? Why have they

not afforded the means indispensable to a calm and enlightened review of their public conduct?

Gentlemen, they dared not do it. Yes, my Lords, I tell them in your presence, and in the presence of the community whose confidence they have abused, that they dared not do it. They knew that "discretion was the better part of valour," and that it might be safer to attempt to punish me than to justify themselves. There is a certain part of a ship through which when a seaman crawls, he subjects himself to the derision of the deck, because it is taken as an admission of cowardice and incompetence; and had not these jobbing justices crawled in here through this legal lubber hole of indictment, I would have sent them out of court in a worse condition than Falstaff's ragged regiment—they would not have dared to march, even through Coventry, in a body. [Laughter and applause, which were suppressed by the court and officers.]

How different has been their conduct and mine. They have shrunk from inquiry, though they have strained after punishment. I have in every shape dared the one, that I might, so far as lay in my power, be able to secure the other. They have filled every street and company where they appeared with complaints of falsehood and injustice. They have crammed the newspapers with libel cases to mislead or overawe. They have taken six weeks to determine on this prosecution, leaving their adversary but a few days to prepare; and finally, they have brought their action by indictment, well knowing that the court could not admit evidence but on the side of the Crown. Does this look like innocence?—is it candid?—is it fair? Can a body against whom grave charges have been preferred, present this mockery of an investigation as a full and sufficient answer to the public? How different has my conduct been. From the moment that I heard of this prosecution, I refrained from all publications that might by any possibility influence the public mind. I have neither sought to deprecate the wrath of their worships, to excuse, to justify, nor explain. But I have taken every pains that the even course of justice should not be disturbed, and now, instead of seeking an escape by objections to the indictment, or cavilling at the insufficiency of proof, I fling myself fearlessly into the contest; and, so far as I can, shall endeavour to make even this one-sided prosecution of some public utility by defending myself on the broadest possible grounds.

Had their worships brought their action on the case, whether they or I were worsted would have been of little consequence—the truth, the whole truth, and nothing but the truth, would have been elicited in the course of the examinations, and the public mind would either have been satisfied of their guilt, or have been soothed and tranquillized by the most convincing proofs of their innocence. Were I to imitate their disingenuous example, no public good could possibly arise. But they have driven me to the wall; they have sought to punish rather than explain—to silence rather than to satisfy. They have sought by fine and imprisonment to break the spirit of their accuser, rather

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than to clear their characters by a fair and candid trial. They have placed me in the unpleasant and invidious position in which I stand; before me this august tribunal—behind me the county jail, and the consequences be upon their heads. If this trial tortures them much more than it tortures me, they have themselves to blame. While they wince under the lash, let them remember they knotted the cords for me—that they, a numerous and powerful body, leagued themselves against an humble individual because he merely performed a duty which they knew he could not honourably avoid.

In the trial of indictment for libel, as their worships the magistrates very well know, the defendant is not allowed to prove the truth of his publication, and therefore is cut off from what, in an action on the case, is often his strong ground of defence. But he has the privilege of explaining to the jury anything which may illustrate the motives and intentions by which he was influenced, to satisfy them, that so far from wishing to provoke a breach of the peace—so far from incurring the guilt of which he stands accused, that his motive was praiseworthy, his intentions honourable, and his act demanded by the circumstances in which he was placed. This privilege I shall now proceed to exercise. It is one that the court will not deny, as it is so essential to the safety of persons similarly accused.

The first question which occurs to a rational mind—the first that an impartial juror will ask himself, is this—what motive could the accused have had for attacking a body, in the ranks of which were some of his own relatives and personal friends; and which embraced some of the leading men of the principal families in the place, whose support and countenance might be of essential service—whose enmity it would be impolitic if not highly injurious to provoke? What interested or malicious motive could I have had? Gentlemen, I had none. With nearly all the individuals assailed, I had been on friendly terms for years; to some of them I was bound by nearer ties; with no one of them had I ever had altercation or dispute. I had for those that are really estimable among them, and in spite of this persecution I still have, the most unbounded respect. But this only extended to their private characters. As magistrates, having the guardianship of morals and the public peace; as the legislators of the county; the collectors and dispensers of its revenues; the trustees of its property; the auditors of its accounts; the almoners of its establishments, I knew them, as you know them—as almost every man in the community knows them, to be the most negligent and imbecile, if not the most reprehensible body, that ever mismanaged a people's affairs. Had I not believed this to be the fact—had not the concurrent testimony of thousands in the community impressed it strongly on my mind—had not the just complaints of those who were daily injured by the gross neglect of duty on the part of some, and the still grosser malversations of others, continually resounded in my ears—had not my own experience and observation, and the reasoning and calculations of much shrewder minds, furnished abundant proofs—had not grand jury after grand jury arraigned

the system which they upheld—nay, had not my own labours as a grand juror abundantly convinced me that these charges were true, I should not have been standing here to-day to speak in my own defence, for I would not have dared to publish the letter in which their conduct was censured and exposed. And can they be so blind and weak as to suppose, that by punishing a printer, even if that were possible in such a case, the public, for whose benefit their doings were unveiled, can be hoodwinked and deceived? Can their characters, like the religion of Mahomet, be propagated by persecution? They may expect much from the result of this trial; but before I have done with them, I hope to convince them that they, and not I, are the real criminals here; and I shall be mistaken if it does not prove the downfall of their imbecility—the grave of their corruption.

You would have been amused, gentlemen, had you been in court on Tuesday last, when this grave body marched in, with one of their number at its head, who, with amazing power of face, read a resolution to their Lordships, that had been passed at a meeting of the sessions, the purport of which was that they were most anxious that Mr. Joseph Howe should be allowed to bring evidence, in order, if he could, to substantiate the charges contained in the libel. The prosecution had been commenced at their instance by the Crown officers—a bill of indictment had been found—and his lordship dared not, for his head, vary the rules of law by which the issue was to be tried; when in marched this immaculate body, with the modest request that the rules of law should be broken, the principles established in reason and experience overturned, in order that that might be done, which they had previously taken every pains to prevent. Did this look like conscious innocence? Were there not some legal minds connected with that body, who knew that such a mission must be fruitless; who could have explained the nature of the law, and prevented that extraordinary exhibition? If it proceeded from ignorance, what must we think of the sagacity of the body—if it did not, what else was it but a most barefaced attempt to deceive? It appeared to me as if they had loaded a field-piece, presented it at the breast of their foe, whom they had tied to a stake, and having lighted the fuse, gravely took off their hats, and making a very polite bow, begged that it would not go off, till he had got behind his wall. But before I have concluded, I hope to put them in the situation of the unfortunate Irishman, who, to prevent the explosion, crammed his wig into the muzzle, and give them a “hoist with their own petard.” [Laughter.]

I must again express my regret that they have not taken another mode of trying this question. I wish that he who read the resolution on Tuesday before their Lordships had brought his action for damages. If he had, he would never have come here again to torment their Lordships with resolutions; or, at all events, when their worship took the field against the press, they would fight under another leader. If they really had no legal advisers in this matter, they might themselves have learned from Blackstone “that law is a rule, not a sudden order from a superior to or concerning a particular person;

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but something permanent, uniform, and universal." But I believe that they have been so much in the habit of departing from all law in their own brick temple, that they thought there was not a court in the country where it might not be dispensed with to suit their particular views. I am happy that there is not only a court above their power, but that a jury also comes between them and their intended victim. Holt, and some of the older authorities, hold that the sessions may take cognizance of libel; if so, I rejoice that their worships were not aware of the fact, for had they got me within their power, to be dealt with by their law, they would not have allowed me the privilege of addressing you.

In conducting this defence, I do not mean to say, and if I read the law aright, their Lordships cannot permit me to say, that the charges in the paper published are true. The truth would be no defence in a criminal action, as the magistrates very well know or they would not have brought it; but I shall be permitted, and it is my duty, to show you the state of my own mind at the time I published the letter, in order that you may judge of my guilt or innocence—ascertain my real motive and intention, and decide whether I deliberately did that which would tempt to a breach of the peace, or was labouring to restore and preserve it. This is my duty to you; your duty to me is to try me as our Heavenly Father tries us, not only by the acts we do, but by the purity of our hearts.

Although upon the issue of this trial, the declaration can have no bearing (as the law makes me responsible for what I publish) it is perhaps due to myself to state, that I did not write one line of the letter mentioned in the indictment. I never advised the preparation of it and made no alteration of, or addition to it, so far as my memory serves, and this I state upon my honour, as I would declare upon my oath. But when the letter was sent to me, I did not hesitate to insert it; because although many might be startled by the broad and general assertion, that so large a sum as £1000 a year had been taken from the pockets of those who ought never to have paid it, I had satisfied myself, and if the opportunity were afforded, I would satisfy you, that by the neglect, incompetence and corruption of the parties charged, we have been annually despoiled of a much larger amount. And strong in that belief, I published the letter, and should have betrayed the trust I hold, had I caused it to be suppressed.

Though I shall not seek to discover any flaws in the indictment, permit me to turn your attention for one moment to its language. I am aware that words that sound awkwardly in common use often creep into legal papers; still I cannot but think that, though the preface to this might be very appropriate, if I were found raising an armed insurrection against His Majesty's Government, it is greatly strained, inasmuch as I have only rebelled against the majesty of the sessions. "The jurors of our Lord the King upon their oath present, that Joseph Howe, late of Halifax, in the County of Halifax, printer, being a wicked, seditious and ill-disposed person, and being a person of a most wicked

and malicious temper and disposition"—now of all this I do not complain; though it sounds harshly, it is I believe the usual form; and were there nothing more, I would leave you, gentlemen, many of whom have known me from my childhood, to judge of the maliciousness of my disposition; but there is another passage, which seems to have been introduced to stigmatize and defame; and which, though it may be believed by a few persons about the sessions, will find no echo from your box or from this country. It is further set out that being such person as aforesaid, and "greatly disaffected to the administration of His Majesty's Government in this Province, and wickedly, maliciously, and seditiously contriving, devising, and intending to stir up and excite discontent and sedition among His Majesty's subjects," &c. If this were true, I should consider it hopeless to trouble you with any defence; but for a full and sufficient answer to the charge, I may safely refer to what I have written, and you gentlemen have read. If I have preached sedition, you have encouraged me by your favour and support; the country by which I am to be tried has rebelliously responded to my opinions. I might, therefore, leave this language to pass for what it is worth, but I will just turn to one of my sermons on sedition, and contrast it with the character drawn of me here. In the file of *The Nova Scotian* for 1830 there is one of them, under the head of "England and her Colonies," which commences thus:

"When we hear the cry of disloyalty and disaffection raised in this colony as a more full development of the powers of public bodies calls for a salutary reform; or when the people are roused by encroachments to drive local rulers within the circle of public safety, we cannot but smile at the cunning of those who, as they fail to satisfy the reason, seek to operate upon our fears."

The object of this article appears to be to prove, "That there does not exist within the wide range of the British Empire a people more proud of the name and more attached to the Government of England than the people of Nova Scotia." This seems to be a strange text for a sermon on sedition. But observe, I further declare that I have "a well-grounded conviction that the foundations of loyalty to Britain, in the only sense in which that term ought to be used, are laid deep in the hearts of our countrymen, and are not to be overturned by those petty contentions which may attend the improvement of our local government, or which are inseparable from the very resistance that a free people will, on all occasions, offer to the folly or encroachments of their rulers."

After showing of what elements our population is formed—that a part of it springs directly from the loins of the loyalists, and a larger part is made up of emigrants from the British Islands and their descendants, who find here "no circle of citizenship into which it is necessary to force an entrance by a renegade abuse of England and her institutions," it proceeds:—

"But there are other grounds of attachment to England besides a direct descent from those who have been born upon her soil or those who have suffered expatriation in her cause. Though the blood of Britons flows in our veins, that would be of little consequence, if everything else did not conspire to keep

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their spirit alive in our bosoms. The language which we speak, like a noble stream, has come rolling onwards from the days of the Saxon Heptarchy down to the present time, becoming in every age more pure and more expressive, bearing along the treasures of mighty minds and sparkling with the coruscations of genius. Of that stream we are taught to drink from our childhood upwards ; and in every draught there is a magic influence, turning our thoughts and our affections to the hallowed fountain from which it sprung. For enlarged and cultivated views—for the truths of natural, moral, and political science we are indebted in an eminent degree to the statesmen and philosophers of Britain. Our souls are stirred by the impassioned eloquence of her orators and our feelings and taste are refined by the high inspiration of her poets. Nor does any servile feeling mix with our participation of those treasures. They are a free gift from the founders of the British empire and the fathers of British literature, science and song, to the children of that empire and the inheritors of that language, wherever their lot may be cast. They are as much the property of a Briton by the banks of the Avon, the Hillsborough or the St. John, as by the Liffey, the Tweed or the Thames."

Having stated the reasons why these strong impressions, many of which were cherished by the old Colonies, can never be effaced by any such train of circumstances as attended their unfortunate struggle, the disseminator of sedition goes on ; and although the extract may be tedious, I must trouble you with it, because it gives to this part of the indictment an answer as complete as I shall by-and-by give to the others :

"Those whose dreams are disturbed by what they are pleased to call disaffected and republican tendencies, who affect to fear that this colony will, at no distant day, throw itself into the circle of the American Union, may gather from these facts and many others, ample sources of consolation. What is there in our circumstances or our feelings to justify such a slander ? What is there so advantageous or so fascinating in such a connection, as to induce a violation of the strongest and most honourable sympathies that distinguish our population—which have grown with our growth, and are strengthened with our strength ? If there were such advantages,—which we do not by any means admit,—our very pride would forbid us meanly to seek a participation, when we had borne no part in the heat and burthen of those days of trial by which they were obtained. -Could we join in the celebration of American festivals, every one of which was a disgrace to the arms that have protected and not oppressed us, ever since we had a hut or a foot of land to defend ? Could we throw up our caps on the 4th of July, and hail with triumph a day that made our fathers outcasts and wanderers on the earth ? Could we join heart and hand with a republic which fell upon the rear of Britain, when her front was presented to hostile Europe, in a struggle for the liberties of the world ? Were we to permit the American banner to float upon our soil—if the bodies of our fathers did not leap from their honoured graves, their spirits would walk abroad over the land, and blast us for such an unnatural violation.

"Yet it may be said, that we have nothing to set against these national gratulations and glorifyings; and that it is natural for us to sigh for Washingtons and Franklins of our own and for endless anniversaries, to remind us of the deeds and the glories of our ancestors. We do not wish to disparage the names to which Republican America accords a high standing in her annals, nor to speak lightly of the services great men have rendered to their country; but is it possible that any subject of the British Empire—that any member of that mighty whole, can be at a loss for matter of gratification and of pride? Can he sigh for days to remind him of past glory, or names to make the blood stir about his heart? Every page of our history is redolent of fame; and there is not a second of the year unhallowed by some glorious reminiscence. The nation of which we make a part, and of which we are neither serfs nor bondmen, but free, equal and unfettered members, has no parallel either in ancient or modern times. It extends to every quarter of the globe; the sun never sets upon its surface; and by whom shall its boundaries be defined? The seas are but highroads for its commerce; the winds but the heralds of its greatness and its glory! Nor are its mighty energies wielded to oppress or destroy—but to protect, to enlighten and benefit mankind. While Russia sends forth her armies to seize some tract of territory and to transfer millions of slaves from one species of bondage to another; the children of Britain go forth to distant regions, obtain a triumph over uncultivated nature, carry with them their language and institutions and lay the foundations of an empire. While the rulers of Austria, Portugal, and Spain are employed in forging new fetters for the mind—in retarding the progress of knowledge and improvement, the statesmen of Britain are engaged in working out those reforms which the active intelligence of a free people is continually suggesting. For ages has she stood like a beacon light upon the borders of the old world, luring the nations to wealth, intelligence and freedom. From countries the most despotic and debased, the eyes of the slave have wandered towards the unquenched and unquenchable fire of British liberty, and his spirit has rejoiced in the assurance, that sooner or later some spark would fall upon the smothered energies of his land. Advancing onwards by the guidance of her example, one after another the nations are breaking their yokes upon the heads of their task-masters, and asserting those rights, the knowledge and advantages of which have been taught them by the example of England. Then is it from the fellowship of such a nation as this that we are to go in search of a more honourable union? Are we to fly to the United States for food for our pride, or for objects and associations around which our feelings and sympathies can cling? Must we needs turn republicans, because our forefathers have left us no valuable inheritance—no imperishable monuments of glory?"

And it concludes with the following sentence:

"Here are the true grounds of colonial fealty to England; here are the real foundations of loyalty in Nova Scotia. Here are the securities for the present; here are the assurances of the future. And let those who now

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imagine that their characters and their influence are the only connecting links which bind this country to its 'father land,' be assured, that long after they have gone to their accounts, and faded from this transitory scene,—nay, after hundreds of similar sages have disturbed its counsels, and stood in the way of its advancement,—Nova Scotia will be still holding on her course, by the side of her illustrious parent, with a purer spirit of loyalty animating the hearts of her population, than is now 'dreamt of in the philosophy' of the men by whom her (I might almost have said *my*) character is slandered."

By a fiction of law, we are bound to believe that His Majesty is present in all his courts. I wish to Heaven that in this case that were no fiction. I wish that His Majesty really sat beside their Lordships, and could hear those sentiments contrasted with the language of that indictment; I doubt not he would do me the justice to wish that he had many more such preachers of sedition in his dominions. While I sat in my office penning these passages, which were to excite disaffection and rebellion, some of their worships were plundering the poor; and others, by their neglect, were tacitly sanctioning petty frauds and grinding exactions; and if His Majesty sat upon that bench, while I could appear before him with my files, and show him that I never published a sentiment that might not have been written within his palace walls and defended in any court in his realm, these prosecutors would shrink before the indignant glance of the Sovereign, whose trust they had abused. His Majesty would tell them that he who robs the subject makes war upon the King; that he who delays or withholds justice excites discontent and sedition; and although they might put on as bold a front as they assumed last Tuesday, he would drive them from his presence; he would tell them that they were the rebels, and that against them and not against me, this bill of indictment should have been filed.

I regret, gentlemen, that from the nature of my defence it will take up much time; the labours of the day will be exhausting to us all, but I feel the responsibility that rests upon me. I anticipate the effects of your decision both on the press and on the community, and must solicit a patient hearing. It may be recollected that the publication under review was preceded by another, written by the same person and inserted in *The Nova Scotian* a few weeks before. In the first, popular complaints were alluded to, neglect was charged, and some hints of corruption were given. The wish evidently was to arouse the body of magistrates to a state of self-defence—to cause an alteration in the system pursued or to elicit some proof that the charges made by numerous writers and by grand jurors were without foundation. By reference to that letter we shall see the impression which was on the writer's mind—the object he had in view—and it will be also seen that a part of the £1000 a year, which he says was "taken out of the pockets of those who ought never to have paid it," was charged against the unequal system of assessment, which it was partly his wish to expose.

My own experience as a grand juror had fully satisfied me that the general

views of this writer were correct; that these inequalities and abuses did exist, and were mainly attributable to the sessions. I may be accused of seeking to overturn the Government, but at all events I am no friend to annual parliaments, and for this sufficient reason. The grand jury on which I served, like all others, existed for a year. It took us nine months to find out that wretched abuses existed, and after we had quarrelled for three with their worships, who are a permanent and despotic body, and have hitherto set their faces steadily against improvement, we went out of office. Others came in, who doubtless spent their nine months of preliminary preparation for fruitless contests, and thus matters have proceeded in a circle for many years.

Let me now turn your attention for a moment to the mode in which the poor and county rates have been levied in this district for many years. A few plain facts will be sufficient to convince you that by the inequalities and injustice of this system alone, to say nothing at all of expenditures, a very large portion of this £1000 a year was "taken from the pockets of those who ought never to have paid it." In 1828, when the last census was taken, the population of the Peninsula of Halifax was 14,439 souls; while in the other settlements within the district over which poor and county rates should be levied, there were 10,437. There were in Halifax at that time 1600 houses and, dividing the population outside the Peninsula by 7, there were probably 1400 or 1500 in the rest of the district. Now it appears that instead of the rates being laid as they are in all the other counties, fairly over the whole, they have in fact been almost exclusively paid by the inhabitants of the Peninsula and those living on the main road, this side of Sackville Bridge. Or if they have been paid by the out settlements what has become of the money? The only sums which appear on the County Treasurer's book to the credit of the out settlements, between 1820 and 1825, is £136, 12s. 10d., while since that period nothing appears to have been paid. In 1820, Preston paid £9, 0s. 6d.; since then we find no trace of Preston. If this township ought by law to pay nothing, why was this £9 taken? If it should pay annually, why has it not? Or if it has, what has become of the money? In 1821, Chizetcook paid £3, 12s. 8d., and since then we find no trace of Chizetcook. Margaret's Bay, which is a populous and thriving settlement, with a population of 783 in 1828, owning 600 head of horned cattle, appears to have made two payments only, £13 in 1821 and £7, 0s. 10d. in 1824. It may be said that the difficulty of collecting taxes from these remote places is so great that it is best to let them escape. But are the difficulties greater than in Antigonish, St. Mary's, or any other country district where they are promptly paid? If the general impression is that Halifax, being so rich and populous, ought to bear all the taxes and the sessions have acted on that principle, why then we must only conclude that those who hold a contrary opinion, are under a mistake; they must then show us why they took the sums I have named, and if they took any more why they were not paid to the County Treasurer. It is barely possible that all the taxes have been regularly raised and credited, but if

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we make mistakes, the justices have themselves to blame. They keep their accounts in such a manner that no human being can unravel them. The grand jury of this year found it impossible; that on which I served spent three weeks in a vain attempt, although we had the assistance of some of the magistrates, who could not explain their own accounts. And although in the neighbouring provinces regular exhibitions of receipts and expenditures are prepared and published at stated periods, the municipal accounts of Halifax are involved in mystery and are thrust as little as possible before the public eye.

The township of Musquodoboit contained in 1828 a population of 1312, owning 3900 acres of cleared land, rich in cattle and produce and having, I believe, but a single pauper from one end of it to the other, and yet Musquodoboit never paid one sixpence of the county rate; while Stewiacke, which it adjoins, and which resembles it in every respect, has I doubt not paid every year its proportion to the sessions of Colchester. Perhaps sums may have been paid, besides those I have named—they may have gone into the hands of those to whom the county was indebted, who gave credit accordingly, but no traces of such transactions appear. And let it not be said that the magistrates are not to blame in these matters; was it not their duty to have enforced a system of regularity, simplicity and fairness, throughout the district—and have they done it? I believe about four years ago, when the grand jury refused to assess any more and when they were goaded in the newspapers, they did ask the Assembly for a new assessment Act, but they always had law enough if they had chosen to do their duty. Had they evinced the same ardent zeal for removing abuses that they have shown for criminal prosecutions, there would have been no ground of complaint. Grand jury after grand jury complained of these matters in vain, except to disturb the serenity of their worships; but the moment they found a letter that might be construed into a libel, then they said: Now we will attack the printer of *The Nova Scotian*; we will bring the action by indictment; he cannot call a witness; the law will find him guilty; grand juries will thus be answered, and the community will say that we are immaculate, and that there is nothing wrong. But they will take another view of the matter by-and-by, when we get into the core of it.

Besides those I have mentioned, there are thirty or forty other settlements that ought to have paid—or if they have, ought to have got credit; but since 1825, none is given on the books of the County Treasurer. Now you will perceive that even supposing that upon the Peninsula the rates were fairly laid, promptly collected, and equitably disposed of, inasmuch as all the rest of the district has been allowed to escape or to pay small sums within a long series of years, an immense amount must, as this writer declares, have been “taken from the pockets of those who ought never to have paid it”; and that against the neglect and imbecility of the magistracy this sum must be charged by the people of Halifax, whose taxes have been increased to make up the deficiency. The last grand jury took up this view of it, where they say “that they must bring before the notice of the worshipful court, that the present

mode of collecting taxes is partial and unjust, the whole burthen of the municipal expenses having to be borne by a part of the community, instead of being equally divided amongst the whole, and that this evil is entirely caused either by the inefficiency or neglect of the authority into whose hands the power of collection has been vested." You will bear in mind, that I have had to prepare this defence from such information as was public and notorious: I could not of course apply to their worships for any, as punishment not truth appeared to be their object,—but if my own experience does not deceive me free access to their books and accounts would not have helped me much, for the grand jury in deploring the utter impossibility of coming at facts declares "that the treasurer will refer to the collector, the collector to the magistrate, the magistrate to the clerk, and the clerk back again to the treasurer and so on in a circle without end." I must not say that one part of the charge is now proved, but I may say that these impressions were on my mind when I published the alleged libel. And how could I have refused its publication, having these impressions? The writer of the letter never dreamt of prosecution following it; it is evident from both his letters that he only desired inquiry and reformation; for he challenges any of the magistrates to come forward and explain these matters, which were, in his view, operating unjustly and exciting discontent in the community over which they were placed.

But allowing that the assessments ought to have been laid on the Peninsula alone without any reference to the out settlements at all, it was and is evident to me, that corruption, mismanagement and gross injustice existed to a considerable degree, even within this limited extent. For very many years there were in the town of Halifax two classes who were called upon for assessments; one which regularly paid, the other far wiser, who never paid at all if they could possibly help it. Let us suppose, gentlemen, that six of you were of the former class and thought when a rate was laid it was as well to pay and have done with it; that the other six thought it would be as well not to pay until they were forced; that some of these were magistrates and their functionaries, or the friends or creditors of the official folks about the brick building (who were always in debt) and who could not or would not be pressed until it was impossible to avoid it. Let us suppose that a rate was laid in 1820 and that within that year the first six paid and the second did not; of course there was a deficiency and the prompt payers had an additional sum laid on their shoulders the next year to make it up. So it went on year after year. Those who did not pay, like shrewd calculators knew that at all hazards they would save the interest, even if they were ultimately compelled to pay principal—while their neighbours in the meantime were compelled to pay principal and interest.

Without the books before me and reference to figures, it would be impossible to say what sums have been thus by this system "taken from the pockets of those who ought never to have paid them," but I challenge my prosecutors to come forward with their books and accounts for the period mentioned in the

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letter, and if they do I pledge myself to show them without reference to expenditures at all, that in raising the taxes for the district gross injustice has been done to the full amount of £1000 a year. This system was continued by the sessions until the grand jury made a stand—refused to assess—and insisted on the arrears being collected. But no attempt at reformation was made by the sessions; none would have been made but for this resistance. I do not blame the corruption of this system upon all the magistrates, but they left it in the hands of those who made it suit their own ends, and therefore the losses of the community are fairly chargeable on their neglect. A member of Council, when asked why his taxes were not paid, explained that the officer in charge owed him interest moneys, and ought to have paid them as he was desired. I know a person who had a demand of £25 or £30 against the same party and who, finding great difficulty in getting it, at last hit on the expedient of drawing orders upon him, for the amount of his taxes. Every year as the collector came round, an order was given and placed to the credit of the officer; but whether the officer ever paid the amount to the county or not, would I believe puzzle us all to discover. Charity would fain induce us to believe that he did; but oh! how I should like to see the books. My occupation is sedentary; I have not the same opportunities for discovering the delinquencies of these parties that others have; but here is one glaring fact that I give from my own knowledge as an illustration of the system. Many others are said to exist, and if they do, nay, if the state of things has been such as to arouse suspicion, was I wrong in inserting a letter which was intended if not to produce reformation, at all events to elicit the truth?

What gives force to these suspicions, and encourages the belief that favouritism and fraud have been more general than the public can conceive, is the extraordinary story they tell of some of the assessment books having been stolen. What would be thought of a merchant who should tell such a tale to his creditors? But it may stand them in stead in more ways than one, because they may now say, we are prevented from answering these charges by the loss of our books. Is it likely that any thief would be such a fool as to run off with these old volumes? They were indeed curious documents, but I doubt if any man but an antiquary would steal them. Though within two or three years the system has been somewhat improved and many of the old arrears collected, a remnant of favouritism and corruption still clings around it; and a poor man informed me but a few days ago, that when he went before the Committee of Magistrates to appeal from his assessment of 1834 there was one of their worships appealing for 1833. Surely these things are not fair, and if they are not, ought their worships, until they could show that nothing was wrong, have come into the court to punish a man for merely doing his duty?

In his first letter, the writer of this supposed libel shows that it has been ascertained by an actual and very low valuation of the property on the Peninsula alone, that it is worth £1,200,590, and that at the rate of 70s. per £1000, which was the rule in 1834, this would yield £4500. And yet with

all this property, even within the narrow limits to which the sessions appear to have confined their assessments, how does it happen that when only £700 or £800 has been required, individuals have been called on for sums so large? My own rate last year was about £4, and I know one individual who paid the twenty-fifth part of the whole assessment. Indeed so unequal, arbitrary and oppressive have these taxes been, that there is scarcely a man in the town who has not at some time or other had to appeal against them, and the time lost to the community by these appeals would defy all calculation. Only observe what is said of the system by one of the justices, in a communication made by him in answer to a circular issued by a committee of His Majesty's Council. After laying the blame on the grand juries for naming improper persons as assessors, he says: "From thence come assessments of all things the most erroneous. One set of assessors will tax the owners of the whole property, another will put a part upon the tenants; one will value an estate at £3000, another at £500. One man one year will be taxed £3, and the next perhaps £30; from whence come endless and everlasting appeals."

If this be true, it is in vain to charge it upon grand juries who are an annual body, whose complaints are laughed at and to whom the information necessary to guide them was continually denied. And even allowing that no corruption existed, what a load of iniquities their neglect attaches to the men who tolerated and upheld such a system. Instead of going to the Governor to insure my prosecution, they ought to have gone to him ten years ago and besieged his gate with clamour and remonstrance, until he lent his influence to the introduction and passage of laws for the reformation of these abuses, or until he strengthened their hands to enforce the law they had. But they suffered the poor to be ground and the rich to be robbed by those exactions, and considered it as nothing; they never impanelled a jury to try if injustice had been done; they never even came forward to tell the community that a better system must be devised. In these charges of neglect I include all the magistrates. The law makes a looker-on at a felony a participator in the crime. These men looked on for years; they did not advise the people or the Government, or take any step to produce a reform till driven to it by the refusal of grand juries any longer to assess.

Last year I received a summons calling on me to pay my poor and county rates, amounting to about £4. I attended accordingly, where I saw a magistrate, the clerk and the collector, surrounded by several poor wretches who had been brought there on the same errand, and was accosted with, "Oh! we suppose you have a check on the county and that is the reason you have not paid." I answered, "No, thank heaven, I have no check on the county, but when on the grand jury I observed that there were two classes, one who did and one who did not pay, and having been for six years among the former, I wanted if possible to get a berth among the latter."

We may smile at these matters, but they are melancholy illustrations. Poor wretches are dragged down to their worships for non-payment, while they

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see their rich neighbours not paying at all, or not paying a fair proportion. If these men had done their duty things would not be in the state in which they are; the community would not be thus excited; time would not be wasted with "endless appeals"; the poor would not be taxed with summonses and suits, the Legislature would not have been tormented with investigations, or His Majesty's Council vainly employed in unravelling the maze; nor would the Governor, the moment he touched our shore, have been called to examine a system that might take its place in the black book among the "robberies of charitable foundations," and informed that an Augean Stable here awaited his purifying exertions.

The same system of inequality and injustice, you will perceive, pervades all the taxes. If a new building is to be raised or if repairs are necessary and more taxes are required, the more money wanted, the more grievous and oppressive it becomes. The fire taxes are raised after a similar fashion but what becomes of them? Hitherto, you will bear in mind, that I have not said one word about expenditures, all the evils I have depicted attend the collection of the taxes. And in coming to the expenditures, I only regret that I am not permitted to put a single witness in the box, as I am satisfied that that one, were she to tell you how this system has ground into her soul, would be sufficient to secure me your verdict. Fire taxes, for the remuneration of parties whose property is pulled down to stop a conflagration, are laid as you are aware, on real estate, which cannot escape. The owner may run away, but there the house stands all-sufficient for the amount; yet in numerous instances, after a rate has been laid on, and money awarded, years have elapsed before the sufferers received it, and there are a dozen persons having claims unsatisfied that have been standing from five to fifteen years. A house belonging to Miss Hogg was pulled down at the fire which occurred about four years ago. She was awarded £200. At the end of twelve months she received about £20; she subsequently got three other payments, the whole amounting to £103, a year has elapsed since she received a sixpence; and in the meantime, the town owing her £97, which she could not get, she was sued for £1, 16s., her poor and county rates, and here is the constable's receipt for the sum, with seven shillings expenses.

These things exist, and yet a dozen men whose names appear in the almanac as justices of the peace, have come here to prove me a rebel, because I gave utterance to the complaints which such grievances elicit. Would any of you gentlemen so manage your private concerns? Would you, while you owed a woman £97, which you refused to pay, cause her to be arrested for a debt of £2? Other similar cases might be mentioned: Mrs. McDonald, who is known to most of you, has never been paid in full. Miss Graham's property was pulled down some fifteen years ago, and of the sum awarded her, £50 remains due to this hour. Fortunately for her a respectable mechanic engaged to repair her property for her share of the assessment; he is therefore yet minus the £50; he has dunned their worship and their officers time after time to no

purpose, and has repeatedly offered to collect the money himself, but they would not allow him to do even this. It is possible that the tax could not be collected, but it is most extraordinary that it should be so, when laid on real estate. Why not allow the man to collect his own money? Did they dislike that he should see the list of defaulters, or has the money been collected and not paid? Does the balance form an item in these inexplicable accounts? These questions are daily asked by the sufferers and reiterated by the community, and the facts out of which they arise justify the suspicion that there is "something rotten in the state of Denmark." Their worshipers blame the press for publishing strictures on their conduct, but as an excuse for it I may mention, that almost the only person I know who has got paid in full, was Mr. George Anderson. Him they kept out of his money for three years and he only got it after he had attacked them in the newspapers; while I mention this instance of the power of the press, I may congratulate him on his experience of its instrumentality.

These charges affect the whole body of my persecutors—they must share the blame among them. But as they are attributable rather to gross neglect and culpable imbecility, than to individual corruption, I utter them with less regret than I shall some others, which must deeply affect the reputation of certain parties. This is to me a painful task, but I shall not shrink from it. I have been dragged from my home and arraigned before you as a criminal, and I must enter into these matters in order to convince you that I am not quite so guilty as some would wish you to believe. So far as we have gone, I think I have shown that the whole municipal system is so bad that it can hardly be worse, and that we need scarcely go further, to satisfy ourselves that the figures this writer has used are innocent enough.

But there is one of the establishments under the control of their worshipers, which has long been and still is a disgrace to the Province. If you find me guilty to-day send me to jail if you will—put me in the safe keeping of the Sheriff, but do not send me to this establishment; save me, above all things, from Bridewell. During the last year, the grand jury sent a committee to examine it and their report was handed into court in the form of a presentment, and is as follows:—

"The committee found the building leaky, and the bedding insufficient. The building usually occupied as a woodhouse, in the yard of Bridewell, is used by Mr. W. H. Roach, the acting commissioner, as a stable for his horse and the wood piled out in the yard. The matron of the establishment, Mrs. O'Brien, and the keeper, Mr. O'Brien, stated to the committee, that barrels of flour marked superfine, sent for the use of the Bridewell, were in many cases composed of flour of different grades, sometimes mixed up with corn meal. In the only case in which a barrel of flour was weighed, it was found sixteen pounds short. That a man by the name of P. Walsh, employed as an under-keeper, pays no respect to the keeper, and goes and comes when he pleases. Was absent on Wednesday nearly the whole day, and when he returned in the

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evening, informed the keeper that he had inspected one hundred and ninety-six barrels of flour on Black's wharf. That John Cain, a prisoner, was often employed by Mr. Roach. That John Gilmore, a shoemaker, was frequently employed by Mr. Roach, in making boots and shoes for his family and in one case, for Captain Coffin, out of Mr. Roach's leather. That D. Heffernan was frequently employed exclusively by Mr. Roach, and that out of four wine pipes, which were charged in Mr. Roach's account, a bathing machine and buckets were made for Mr. Roach's family."

It may appear strange to you, gentlemen, that when I found that five magistrates had been drawn upon the panel, I did not strike them off; but I recollected that some of these men had formed a committee of inquiry to investigate these charges against Mr. Roach, and as they had acquitted him upon the evidence which I shall presently place before you, I naturally concluded that if they were so easily satisfied and so ready to acquit persons charged, that even if I made, like the commissioner, no defence at all, I should be certain of their verdict. I trust, however, that I shall be able to make out a stronger case than Mr. Roach. The committee of magistrates appointed to try him, had, as I am informed, the keeper of Bridewell and his mother for some hours in the brick building, undergoing a long examination, which did not seem directed so much to elicit the truth, as to whitewash Mr. Roach. Among the other affidavits taken, was that of Mr. Roach himself, who swears "that he did use the woodhouse temporarily for his horse; that the coal was kept in the woodhouse, and that there was also room for the wood, without interfering with the horse in the woodhouse." Although the keeper, on his oath, declares, "that the woodhouse would not hold the coal, wood, and horse." Mr. Roach kindly informs us "that he found the provender at his own expense"! Generous man! so he did, but it is a pity he had not found a place to put it in, for I understand that the watchhouse was so crammed with hay and straw that the poor watchman had scarcely room to move.

The keeper admits that *he* did not see any mixed flour, but his mother positively swears, that "her attention was called to a barrel of flour which had Indian meal in it. The baker and she weighed one barrel, which was sixteen pounds short and was composed of different kinds of flour. The two barrels now on hand are sour." I have been assured by gentlemen present, that the charges of the committee were not founded on statements volunteered by these people, but wrung out in answer to questions put to them by members of the grand jury; and here the woman has proved the truth of every word she told them, by her affidavit made before their worships. There is a curious admission, however, which, in answer to some leading question, ingeniously worded, Mrs. O'Brien is got to make—that the "flour and meal might have got mixed, because they stood in the same room;" and she is also made to say that she "had seen mixed flour" before she went into Bridewell. But in the face of this woman's affidavit, see what Mr. Roach himself swears to. In the teeth of this testimony he positively denies that any of the flour furnished

was "mixed," or "short of weight," although the woman who used it, and who weighed it, declares that it was. How could he know anything about it unless he packed it himself? This may be a matter of little consequence, but it shows that an oath was lightly regarded. Mr. Roach admits that "he did employ Cain, but he was fed at his house. He did employ Gilmore to make some boots and shoes for himself and family, and also a pair of boots for his friend Captain Coffin; and for the time he was so occupied, it was his intention to have compensated the county on his retiring from the charge of Bridewell." He acknowledges also, that Heffernan made a small oval tub, and some bird cages for his family, but then "he found the materials."

Mr. David Roach, the deputy inspector of flour, deposes that "he recollects Mr. Roach supplying Bridewell with superfine and rye flour; that witness delivered all the flour; that it was always good and of full weight; that it was unmixed, and inspected and weighed by deponent." Now, which do you believe, this deputy, or Mrs. O'Brien who tells us that it was mixed; that it had meal in it; that the baker and she found the only barrel they weighed sixteen pounds short; and that "the two barrels now on hand are sour"? Then follows a little piece of apparently superfluous information, as no charge on that head had been made, "that it was flour purchased and kept for sale; that the flour Mr. Roach got by his inspection was never repacked and sent to Bridewell, but was used in the family." Now I could put a witness in the box who would tell you that in one forenoon that he attended Mr. Roach, he drew out two kegs full of flour from the barrels which he was inspecting, which the man carried home, so that if the family ate it all, as the deputy swears, why then—they must have very good appetites. In reference to the charge of employing Walsh, the deputy further swears, that on the 16th, being in search of a person to help him weigh, &c., he "met Walsh by accident," and got him to go with him to Black's wharf, where he was only two hours; that he "never inspected any," and "never was employed at any other time." I can easily understand why he did not wish it to go abroad that this man, who acquired his taste for flour in the Bridewell, where it was all sour, and his knowledge of weighing where the barrels were sixteen pounds short, was ever employed to inspect and weigh for the merchants. But passing this by, you will perceive that the worthy commissioner of Bridewell has shaken himself clear of no material charge made in that presentment; the most of them are admitted, the others only denied on the oaths of himself and deputy under circumstances that render it impossible that they should be believed.

But there was another charge against this man of so serious a nature, that if I had been a member of the Magisterial Committee, I would have sat in sessions till I died, unless he fully cleared up the point, or was driven from the Commission. In the account sent in to the grand jury \$9 per barrel was charged for flour furnished to the Bridewell; as this was a higher price than would probably be paid by his lordship for the best he could set on his table, the grand jury thought it was rather too expensive for the house of correction

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and made some inquiries of the keeper, in whose name the whole account of £53, 19s. was made out. He said he knew nothing about the prices, that he had only supplied £3 or £4 of the whole amount, but that Mr. Roach had supplied the rest, and handed him an account to copy and render in his own name. The grand jury therefore returned the account into court and insisted on its being rendered in the name of the party who furnished the supplies. It was accordingly recopied and returned by Mr. Roach; but fearing that he had charged the flour too high, and thinking the alteration would not be discovered, he struck off 2s. 6d. a barrel, retaining O'Brien's account. The jury detected the trick, and inquired for the copy made by O'Brien—it was nowhere to be found. Mr. Stewart Clarke, who hears me, handed it to Mr. Roach, but he denied any knowledge of it, and it was not forthcoming. Fortunately, however, the jury had retained the original account handed to O'Brien to copy and in that the flour was charged at nine dollars, although in the one he returned he had reduced it to eight and a half. Thus did they trap the worthy commissioner. Will I be told that the trifling nature of the amount makes any difference in the transaction? If any one of the body who laid the indictment were guilty of such acts, how could they come into court to prosecute me? I make no attempt to deceive you, gentlemen; I would rather lie in jail for years by your verdict, than forfeit your good opinion. I state nothing to you as a fact which I have not evidence to prove, I draw no inference from facts that does not appear to my own mind rational and fair. This story of the accounts may not be true, but I can bring three members of the last grand jury, as respectable men as any in the town, who will swear to every word.

I dare say you will now wish to hear nothing more about the Bridewell; but only group the evidence which the affidavits furnish. There was Commissioner Roach's horse stabled in the woodhouse, and the wood piled out in the yard; the provender which he so kindly furnished at his own expense, was crammed into the watchhouse; one of the prisoners was employed making boots and shoes for the magistrate and his friends; another manufacturing tubs and buckets; the under-keeper inspected his flour; and the vagrant, who had no particular trade, did his errands. I might entertain you for hours with instances of such petty peculation. This great man had his vegetables in one of the cells; another held his *celery* packed in earth. If his house was to be banked, a gang was sent from Bridewell; and of course the prisoners fed and watered his horse. He was in truth like the ruler in Scripture, who said to one "go, and he goeth; and to another do this, and he doeth it." It is a curious fact that since this inspector of flour became commissioner for Bridewell, the prisoners have been supplied with no potatoes; they have been fed entirely on bread. I am at a loss to discover any reason for this, except by supposing that there may be some unfortunate Irishman in the place, and that it was intended as a part of the punishment of poor Pat, to give him no potatoes. This is the only reason I can give, but some of the jury may imagine others for this exclusive consumption of flour.

When this man and his family walked abroad, their feet were protected by the county; when they gave an entertainment, Cain was despatched from Bridewell with the celery; when they were disposed to enjoy the luxury of the bath, the county furnished the tubs; and even the melody of Miss Roach's canaries was breathed through cages manufactured at the public expense. They had, some time ago, a poet in Bridewell; and I am inclined to believe, although without access to the document I would not state it as a fact, that he was fully employed in writing sonnets for the family album. If you send me there, I shall be compelled to print him a newspaper for nothing and then the list of his luxuries will be pretty complete. I am afraid, however, that he did not anticipate this day. He never imagined that this "Tale of a Tub" would have such a general circulation—he never dreamt, when retiring to the bath, that he was really "getting into hot water." Before we are done with him, I fear he will be in condition to take, what poor Sardinia used to call "one vapour bath."

These details may be ludicrous, but mark the moral effect of all this upon the poor petit larceny wretches confined in Bridewell. They were not sent there for punishment only, but for the purpose of reformation. This is one of the benevolent objects of the law, the main point to be considered in every municipal code. But did not all the prisoners know what was going on around them—and what would be the obvious current of their reflections? Would each or would any, under such circumstances say—I am a guilty wretch, and will pray to heaven for a change of heart that shall restore me to society; or would he reason thus—It is true, I have been very unfortunate in getting here, but I was on the right road; if I had only had good luck as well as good intentions, I might have been filling situations of honour and emolument; that might have been my horse, and these poor devils who surround me would have been my servants and my slaves. This is the moral effect of having such commissioners.

I was amused at seeing Mr. Roach's averment that he found the provender for his horse; he would have added, had he thought of it, that he also found the water for his bath. But while such things are tolerated by members of their own body—while they attempt to slur them over by partial investigations—how can the magistrates of Halifax come here to prosecute me, for aiding inquiry, or even for the publication of attacks, however unmerited and severe? This is a modern picture of the Bridewell; but as the letter refers to a period of thirty years, I may be pardoned for giving a sketch or two of its ancient history. I can recall a period when my father interested himself deeply for the welfare of the poor inmates of that prison. Though a magistrate himself, I mention his name with veneration; and I know that there is not a human being who hears me, that does not participate the feeling. He never carried the municipal bag; he never took a shilling of the fees to which he was entitled; he had nothing to do with their dirty accounts and paltry peculations. If he were to blame, it was because he could not suspect that

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those to whom these matters were confided would betray their trust ; if he had a fault, it was that, being an honest man himself, he could not believe that there was a scoundrel on the face of the earth. Some years ago it was his practice to take his Bible under his arm every Sunday afternoon, and assembling around him in the large room all the prisoners in Bridewell, to read and explain to them the Word of God—he never filched from their daily bread, but he sought to impart to them the bread of life. Hardened and abandoned as many of them were, they were softened by his advice, and won by his example ; and I have known him to have them, when their time had expired, sleeping unsuspected beneath his roof, until they could get employment in the country.

The person at that time in charge of the establishment was such a brute, and reigned over the place with a profligacy so abandoned, and a cruelty so harsh, that having remonstrated with the magistracy in vain, and finding it impossible to effect his removal, my father left the establishment in disgust, and has never been near it since. One day he discovered a poor creature with a spiked dog-collar around his bare neck, placed there for some petty offence ; and on another morning he found that a woman had been kept in the stocks all night in the open yard, because she would not submit to the brutal embraces of the keeper. My father protested against these abominations, but could get no redress. He thought it strange that such a fiend should be so patronized ; he never suspected peculation ; but I have not a doubt, from the new light now breaking upon us, that the keeper of that day was more compliant than Mr. Roderick O'Brien ; that he was very useful in the management of supplies. He was finally ousted, when it was found unsafe any longer to retain him. A fellow who was put there for theft, was in a few weeks raised to the rank of under-keeper and used to be let out upon the town every night ; until the keeper becoming implicated in some of the roguery of the subaltern, he was shipped off to the Canadas, from which he is not likely ever to return. Now, gentlemen, with this evidence before me ; with my own ancient recollections blent with the modern history of this place, could I have dared to refuse publication to that letter ?

In turning to another of these establishments, I hope that he who on Tuesday last read that impudent resolution to their Lordships, hears the sound of my voice ; and if he does, while he quails under the statements I make, let him remember that he placed me here ; that he tied me to the stake ; that he and his colleagues filed against me that indictment in which I am charged with sedition and rebellion. Many of these magistrates, as I before stated, are men of integrity and honour, who are guilty only of neglect, but are far above peculation. Some of them have urged on this prosecution, not from unkindness to me, but in order that others, whom they know to be criminal, but whom they had not the manliness to confront, might be exposed. Should they have done this ? Ought they not rather to have formed themselves into a court of inquiry, and having all the officials under their control, and books and papers at their disposal, to have gone into a full investigation ; to have

sifted the popular complaints, and have purged and purified their own body? But they have not done so; they have left it to me, and they have placed me in a position where the performance of a disagreeable duty is essential to my own safety. I feel that it is, and to the public safety also, and shall not shrink from the task.

By the 9th section of 6th Geo. III., which regulated the affairs of the Poor Asylum, it is expressly enacted, "That no commissioner shall have any profit or emolument whatever, by furnishing supplies." Some members of the sessions have thought, however, that they could alter this law, as they wished to alter the law of libel; for in the face of that section, binding and obligatory as law can be, is it not matter of notoriety that for years the principal part of the supplies for the Poorhouse passed through a certain store; that nearly all the flour and meal passed through a certain mill, leaving, of course, an abundant grist behind? Much improvement has been latterly introduced, but for many years this was the system. What was neither in the store nor in the mill was purchased upon the credit of the commissioner, which was bad; or on the credit of the establishment, which, in his hands, soon became worse. Creditors had to wait years for their money, and to remunerate themselves, when next he came to purchase, put on an additional ten, twenty, or thirty per cent. I could place evidence of undoubted credit before you, who would show that this was the system; and some who will tell you that they would not give credit at all. The effect of this system was ruinous; for although inferior articles were purchased, the highest prices were always paid. I do not say that all the profit was enjoyed by the commissioner; a part might have been pocketed by the merchant for the risk he ran, but in either case it was equally injurious to the paupers and to the public.

If the baker were in that box, and you were to ask him why he did not make better bread, his answer would be, how could I out of such materials? If you asked the miller why he did not make better flour, the reply would be because the materials were bad. What would not a man do, who would thus wring a profit from an establishment dedicated to the comfort of the poor and destitute; who would thus filch from mendicants to put money in his purse? Gentlemen, there is not a man in your box that would not beg from door to door; that would not rather shake from his back the last rag that covered him, than thus prey upon the unfortunate beings whom the storms of life had driven into such a haven.

The best proof of the costliness of the administration of the worshipful commissioner to whom this letter-writer alludes, is to be found in the fact that while the paupers formerly cost the community seven and a half pence a head per diem, they are now maintained, under the improved management, for something over fivepence. Formerly the house was always several hundred pounds in debt; now there is a balance of two hundred pounds in hand. Formerly credit could only be got at these ruinous prices; now persons in business are glad to deal with the asylum, because they are promptly paid.

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But though the affairs of this establishment are greatly improved, a little of rottenness still remains. Though each commissioner entrusts the clerk to purchase supplies, and gives him a check for the amount on the production of vouchers at the end of every month; when the party who formerly monopolized the whole assumed the control in December, he reprimanded the clerk for daring to interfere, and purchased the supplies himself. Mr. Gray, in his address to you, said, that there was no other course open to these justices but a bill of indictment, because no one of them was distinctly pointed out; but was not the person to whom I am now referring particularly attacked—was he not charged with deriving a large sum from the supply of the Poorhouse? If a charge is made in a newspaper in such a way that, although the party be not named, it is generally referred to him, he is entitled to his action. Did not every man who read that letter know who was meant? I have not mentioned his name, but is there one of you, gentlemen, who do not know him as well as if I had? Could he not have brought his action? Why did he not? Because he was afraid. But I think, notwithstanding the opinion of the learned counsel, that either of these justices might have brought this action. *Fraser's Magazine*, some time ago, published an article reflecting upon the cooks of London. Lord Grey's cook, feeling himself aggrieved, and determined to vindicate the interest of his order, prosecuted and received damages for the injury done to himself. Why did not some one of these magistrates stand forth and act this manly part? They thought, perhaps, that the more cooks, the less chance of spoiling the broth; but we shall see how far this opinion was correct.

These details are painful for me to utter and for you to hear; but I solemnly declare that I have stated nothing but what I believe—nothing but what I believed in January when I published the letter charged in the indictment. Their Lordships' classic minds will readily recall the punishment which Dante assigns in his "Inferno" to public peculators. He casts them into a lake of boiling pitch, where, as they wallow and plunge, the fiends rend and tear them with their fangs and delight to increase their agonies. Let the men I have been describing take care that besides the contempt of this world, they do not get a scalding in the next. They cannot be Christians; let them beware how they adopt the creed of the Italian poet. They gloat over the idea of the triumph which they expect to-day—but they have yet to learn that

"Thrice is he arm'd who hath his quarrel just,
And he but naked, though lock'd up in steel,
Whose conscience with injustice is polluted."

They will long remember this day; but let them also remember that they thrust forth their rotten reputations to dare the lightning flash of truth—that the lash from which they suffered, was forced into my hand.

Having shown you how taxes are raised and how some of our establishments have been conducted, I must now introduce you to the brick building

below, where the business of the clerk of the peace, the police office, and the commissioners' court is conducted. These departments are all more or less within the jurisdiction or under the control of the sessions or of members of that body. The two former especially have for many years been so blended that it is almost impossible to separate them. From what I have stated, and what I shall state, you will have no difficulty in believing that, had I been allowed to go into proof, I should have been able, including corruption and neglect, to have proved against their worships the full £1000 a year. The expense, inefficiency and corruption, of these lower departments, it will be recollected, formed a part of the general charge made by the writer of the letter. The preservation of the public peace is included in the duty of the magistracy; and I ask you gentlemen, if ever you knew a town of the size and respectability of Halifax where the peace was worse preserved? Scarcely a night passes that there are not cries of murder in the upper streets; scarcely a day that there are not two or three fights upon the wharves. When I lived further to the south, a Sunday seldom went by without two or three pitched battles at the foot of the street—but a police officer or a magistrate was rarely to be seen. Sometimes Mr. Fairbanks, who lived opposite, would endeavour to allay the storm; and once, I believe, Mr. Lawson knocked one or two of the rioters down and dragged them by the heels to Bridewell, but we never saw anything of the police. Boys are playing marbles and pitch-and-toss all over the streets on a Sunday without anybody to check them; and although these may be trifles, they go to prove the "slovenly system" of which this writer complains; and show with what zeal their worships performed their other duties, where money was not involved. [Having enumerated the salaries of the clerk of the peace, police magistrate, &c., in order to show that they were sufficient for the duties performed without other emoluments, he said that of these he did not complain—every man had a right to his salary, if it was fairly earned—but what the public complained of was, the enormous amount of fees, fines, &c., which went into the brick building, of which no account was ever given, and of which it was impossible to ascertain the amount.]

For every oath, summons, writ or other process, there must be a fee; and the more unequally the system of assessment bears, and the more resistance is made to the payment of taxes, the more money it brings to the police. The committee of His Majesty's Council demanded some accounts which were necessary to assist their investigations; these were subsequently sent down to the Assembly, and I was favoured with a perusal of them. Though wretchedly confused and incomplete, there were some things in them which astonished me. There were one or two charges of £5 made by the police magistrate for committing criminals to Bridewell; and about forty entries of this kind, 2s. 6d. to a poor man, 5s. to a poor boy, and 7s. 6d. to a poor woman. I doubt if the public were aware that there was such a charity in existence, to which anybody might go and get a dollar at the county's expense; but I expect that, after this notice, there will be plenty of applicants to-morrow.

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After enumerating the various offences cognizable by the police, and for which fines were exacted, Mr. Howe proceeded—I had reckoned up the list of persons that had been in their hands for five years, and having ascertained the number, I asked a person who, from the opportunities he had for observation, I presumed would be a good judge, how many persons he thought were, on the average, in the hands of the police every week, leaving something behind. His answer was twenty-five; but *one* week is the average according to the returns. It is curious to see, in looking over these accounts, how irregular and eccentric is the whole police system. In the course of twelve months there are perhaps one or two persons fined for selling rum to Indians, although drunken Indians are strewn about the market-place for two-thirds of the year. Within an equal period perhaps two or three persons are fined for having cows going at large, and then the cows are allowed to go scot free for all the rest of the year. When I lived next door to the master of the rolls, we frequently had four or five wandering about the corners for weeks together. I do not complain that the police have not exacted fines enough; that is not the complaint urged by the public or by the writer of this letter; but that they are levied by fits and starts in an arbitrary and desultory manner, by which the law is made onerous, and yet contemptible.

The jury will bear in mind that one part of the charge against the police magistrates is the extortion of sums unauthorized by law. Now is it not notorious that for years, when a person went there to complain of an assault or a crime, before any redress could be obtained—before they would issue a writ, the party was compelled to pay 3s. 6d. ? For this charge there was not the shadow of law, and the practice was, I believe, discontinued, on the remonstrance of some of the newly appointed magistrates; but during the long period it was upheld, the very three-and-sixpences would amount to no inconsiderable part of the sum laid to their charge. These may be trifling matters, but they all help to illustrate the general system. I could put a poor but respectable man in the box who would tell you, that having sued another for a small debt, he met the constable on the wharf, who told him he had collected it. He treated the man in the joy of his heart, and expected to have got his money, but was told that he had paid it into *the office*. There he applied, but was informed that they would make the debtor pay, but he had not paid yet. That was the invariable answer, and although this occurred years ago, to this hour the poor man has not got his money. Another person I know, who has a claim of three guineas on the office—he has dunned them for years, and refuses to pay, and has not paid, his taxes for the last two years in consequence.

I could bring before you in an instant two men as respectable as any in town, who served for one year in the office of clerks of the market. They were very active, performed their duty faithfully, made a great many seizures, and of course a great many enemies; and at the end of the year they calculated that their share of the forfeitures would amount to £30. They called at the office for their money, but were told that the books were not made up. Again

and again they called, and were put off with similar excuses, and though years have elapsed, they never have received a single sixpence, although they have dunned *the office* every time they have met in the street. It happened that one of these men was fined 20s. for a nuisance; he refused to pay, because the office owed him, and to this day has not paid. At this time some altercation arose, and the officer (I may observe that it was not Mr. Liddell) called upon one party, and stated that if he would wait awhile for his money, he would pay off the other, "who was a very troublesome fellow." Away this man posted to his friend, and begged him not to take his share, unless both were paid. "But," said he who told me the story, "he need not have taken the trouble for I never had the offer." Now these men are apt to reason in this way: "Surely the county never received credit for our £30; and as the accounts are never published, and wretchedly kept, how do we know what became of the other £30." Would not such a state of things justify any charge? A short time since some injudicious friend put a notice into *The Recorder*, calling upon the community to come forward, and give me any information that might be useful to me on my trial. The next day I could not get into my office; it was crammed and the passage leading to it, with people, every one of whom had suffered some exaction, had some complaint to expose, or had had justice denied or delayed. One of them left this book, which contains the proceedings of the Grocers' Society; and here is a letter dated a year ago, threatening to sue the police magistrate for £7, 10s., the half of some fines legally due to the society, but which he informed me had not yet been paid.

Some of these magistrates, and their functionaries, preside in the commissioners' court. I will state one instance, in illustration of the mode in which debts are collected there, and of which I can speak of my own experience. Some persons seem to imagine that the liberty of the press consists in reading a newspaper for nothing. Having a dozen or two of such patrons, who had taken *The Nova Scotian* for five or six years and never paid for it, I thought I would try if the commissioners' court could bring them to their senses. I singled out one who was well able to pay; the account was proved, the fees paid, and the magisterial machinery, as I thought, set in active motion. Time after time the money was sent for, but the answer always was, "We will make him pay, but he has not paid yet;" and all this time the party's store was open and he walking the streets. Seven or eight months passed in this way, when Mr. Fielding, who was the constable of that court, died, and I was told that I must wait till the papers were overhauled, to ascertain if the debt had been collected. I did wait several months, found it had not, took out new process, and then expected of course to get my money. But I had to wait about seven months more, and then having written two or three notes to ascertain what was the reason of all this, I got about £4; and some weeks after, with great difficulty, obtained the remainder. Thus was justice delayed to me for eighteen months and more time wasted than would have been necessary to have collected the money without the aid of the law. But the hardship of this was, not so

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much as regarded the small sum in dispute, but from its preventing me from collecting all the other debts that had been standing equally long ; for of course with this experience I could not again apply to the commissioners' court. This is my own case, but many others could tell you similar tales ; these things were of daily occurrence, and if they were, can you wonder that complaints arose ? These irregularities formed a part of the general system, which justified the charges of grand juries, the surprise of the executive, the investigations of the Council, and the publication of the alleged libel. I cannot be expected to illustrate the system in all its parts, but I tell you what I know ; what was notoriously known to the community in December ; and what was strongly impressed on my mind on the first of January, when I published the letter.

It may be said that all these things could not have existed so long, because detection was so easy. That is the natural suggestion of every mind ; but let it be remembered that the mystical accounts stood between these delinquents and detection. If these had been correctly kept, methodically arranged, and regularly published, many of these corruptions could not have accumulated—this system of wrong-doing could not have been upheld. Those who paid fines would have seen them credited, and traced their appropriation ; those who paid fees could have calculated the annual amount ; and by comparing the sums raised with the amount to be assessed, arrears could not have accumulated. But punctuality and publicity would have given a death-blow to the system. The grand jury on which I served, with a view to accelerate reform, named a gentleman of respectability and correct business habits to supersede the old County Treasurer, believing that much of the evil was attributable to him. He has been sometimes blamed for it all, but his honesty has never been questioned, and I am now satisfied that much of the confusion that ran through his accounts was attributable to the miserable system forced upon him by the selfishness of others. A gentleman warned us at the time that we should only injure an individual, without doing any good, and I have often thought of his words. However, we named a person, but met resistance at every step in endeavouring to get him appointed ; the excuse the sessions made was that the nominee was not a freeholder, although he expressed his willingness to qualify himself in an hour. So strictly did they adhere to the letter of the law in this case, though we have seen that in others they cared little for its letter or spirit.

Suppose that a man should fail in business,—if his accounts were correctly and fairly kept, who would blame him for misfortunes ? But if they were kept in such a manner that nobody but himself could understand them, what would be said ? Now the county accounts cannot be understood by the people or the Government, nor by the magistrates themselves, for we had some of them before the jury, who could not or would not unravel them. While large sums appear in the accounts as paid to the County Treasurer, he declares he never received them. The functionaries explain this by saying, that [instead of

handing them to him, they paid them to themselves, and thus saved his percentage. To say nothing of corruption, it is evident that the system has been this: instead of allowing all sums to go into the hands of the treasurer, to pay checks in their order as they became due, the magistrates usually arrested them to pay their own demands against the establishments under their charge, or their officers seized them to pay their salaries, and thus all others in the community who had demands were left to dance attendance on the County Treasurer, who seldom had any cash. I have dunned the town, when a boy, for three years, with checks, without getting paid; and it is a matter of notoriety, that Mr. Fielding, the former jailor, repeatedly offered his checks at a discount of ten, fifteen, and I know that they were once offered at twenty per cent. Indeed, it has been supposed that pecuniary pressure, arising from trifling demands, while he had the checks of the county for a large sum in his hand, absolutely broke the poor man's heart. Should such a system as this be allowed to bear down a public servant? Should the poor be permitted to be robbed by these ruinous discounts? Should the checks of this large and populous town be hawked about the streets, with a character so bad as to find no purchaser in the market? One circumstance I forgot to mention, that came under the notice of the grand jury on which I served. An account came in for coals furnished by a magistrate to one of the establishments. They were charged higher than they had been bought on the same day, from the same vessel, by a member of the jury; the truckage was also charged, although in the general truckage account the same items appeared. A noise was made about this, and the magistrate confessed the errors, and offered to refund the money to the foreman of the jury, who, of course, could not receive it.

Now, gentlemen, upon a calm survey of this case, as I have put it before you, can you, under that indictment, find me guilty of malicious libel? When you have examined the hardship, inequality, and oppression of the assessments, the disposition of the fire taxes, the miserable but costly corruptions of the Bridewell and Poorhouse, the inefficiency of the police, the malpractices of the brick building, the delay of justice in the commissioners' court, and the confusion of the accounts, instead of punishing me for what I have done, what would you have said if I had refused to do it? Would I not have betrayed your interests and the interests of the community and forfeited the character of my paper, if I had suppressed this letter? I have not attempted to prove to a line the charges which the letter contains—that would be no defence; but I trust I have shown you, that not only had I no wicked or improper motive in this matter, but that there existed a great and overwhelming public necessity, that rendered my act one of virtue, not of malice; or, at all events, which proves that there was good ground for my belief that I was doing a duty, not committing a crime. So satisfied am I of the justice of my case, that I believe I might rest it here, and confide myself fearlessly to your firmness and discretion. But you will perceive that the recorded sentiments and deliberate proceedings of grave and responsible bodies justify all I have done. With

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the exception of the figures, the presentment of the grand jury at the close of the December term is a grosser libel than this letter. In that, dated in November, as regards the assessments, they say, that of the whole assessment for the year, "but £36 has been collected, and that from persons much less able to pay than many who stand on the list of defaulters; and that even this small sum has not been paid to the County Treasurer, nor, as far as they can discover, to any other person authorized to receive it;" and they naturally ask, "why individuals of reputed wealth and possessed of sufficient means should be allowed to continue on the list of defaulters?"

In the presentment handed in at the close of the year, they say, "that a very large proportion of the taxes are suffered to remain uncollected year after year, or, if collected, not satisfactorily accounted for; that increased assessments are consequently required on those who regularly pay; and who therefore loudly complain that the collectors of taxes are permitted to pay into the hands of others instead of into the treasury, where all moneys should directly go; that the persons who thus improperly intercept and forestall the public money appropriate it to suit their own convenience, and send checks to the treasurer instead thereof; that no money can therefore be obtained to defray the current expenses, and to provide for the indispensably necessary services of the town; that some persons in consequence refuse to pay their taxes because they have claims on the county for which they cannot obtain payment; and others because they have demands against the officers of the court; that the credit of the county is absolutely so bad, that an advance of forty or fifty per cent." (you will remember that I said twenty or thirty) "is required in all purchases made on its account, and that in many cases credit cannot be allowed at all; that checks on the treasury are floating about in the market, and cannot obtain purchasers even at a large discount. That the public establishments are made matters of private convenience and emolument, and that when the grand jury, in the performance of their duty, institute an inquiry into the disorder and abuses, they are refused the necessary information from the officer whose duty it is to furnish it."

They declare that they have come to the "same unsatisfactory and unpleasant result as their predecessors for many years past"; and that "many years' experience has proved the utter inutility of pursuing the beaten track of remonstrance and complaint." As regards the accounts they say, after noticing the correctness of those handed in by the commissioners of streets, "that they wish it was in their power to make the same favourable report of the other public accounts. In the course of their investigation the account of the commissioner of Bridewell has come under observation, and the grand jury are sorry to have to state that the nature of it is such as to preclude the possibility of reporting favourably thereon; they are therefore compelled to return it to the court as being incorrect and totally inadmissible." "They are also compelled to return the County Treasurer's account, which to them is incomprehensible; not so much from any fault originating with the treasurer, as

from the confused manner in which the public accounts are arranged. Suitable vouchers do not accompany this account, one of which especially, an account from the collector of the taxes, and for which the grand jury applied, and was informed by the collector that his worship the Custos Rotulorum had forbidden him to furnish it; the connection between that and the other public accounts, and the confused manner in which the whole are stated, render it utterly impossible to arrive at any correct conclusion as to their accuracy. The grand jurors are therefore necessitated to return them unaudited. They have provided for the claims against the county, although they are by no means satisfied of the correctness of the statements in which those claims are embodied."

Now, gentlemen, was it decent for men against whom such charges were publicly made by an authorized and respectable body, charges which remained unanswered and unexplained, to single out a printer and attempt to make him a scapegoat for their offences? When these abominations had gathered and swelled, and when the odour of them offended the senses of the community, instead of removing the nuisance, they said, "We will cover it up with a bill of indictment, lay Joseph Howe on top of it, and having sacrificed him no one will attempt for years to disturb the ashes, and we shall have peace in the land."

The Governor's opinion of these matters may be gathered from the message to the Assembly, where in calling attention to the state of our municipal affairs he says, that the revenues "annually amount to thousands of pounds," which are not "satisfactorily accounted for"; and he concludes by requesting them to provide a remedy for the evils of "which the grand jury have, in his opinion, justly complained." A committee of His Majesty's Council was appointed to investigate these affairs, and the sessions sent a committee to confer with them, and, as their resolution expresses it, "to afford the said committee such general information respecting the magistrates, as shall assert their claim to the respect and confidence of that board and of the public." Now we shall see by the committee of Council's report, how that deputation succeeded. They had before them the accounts and returns to which I have already referred. In looking over these I was surprised to find that among other blunders, the officers had made a mistake of £10 against themselves; but I was soon relieved by finding that on the same page there was a mistake of £90, against the county.

The committee of Council addressed circulars to all the magistrates. To these they state "but few answers were received, and their import generally negated the imputation that any reasonable ground of complaint existed, and suggested no important improvement." I think the jury will share the astonishment which I feel, that a body chargeable with the abuses which we have reviewed to-day should have returned such answers; and it will not be much allayed when I read to them the note sent in by the worthy commissioner for Bridewell. Mr. Roach says: "Sir, I am not aware of any dissatisfaction emanating from or among the sessions of the peace. Their

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sessions have been conducted with great unanimity, and most ardent desire to promote the public weal." Now, who ever suspected that there was any dissatisfaction emanating from or among the sessions? The dissatisfaction proceeded from quite a different quarter; from the people who were injured by their neglect and corruption. All was calm and tranquil within the brick building, but the storm was raging fearfully without. They were crying peace, peace, in the sessions, but in the community there was no peace. No doubt there was great unanimity and ease in the ancient Star Chamber, at the very time that the nation it oppressed was shaken with distraction and alarm. But, adds Mr. Justice Roach, "As far as I have been made acquainted with the accounts of the county, under the control of the justices in sessions, they have been readily understood, but I am sorry to say that the means for liquidating them have not been forthcoming—from the imperfection of our assessment laws, and from the refusal of grand juries to vote moneys to meet the demands on the county, and a desire manifested by that body to bring the magistrates into disrepute." Bring them into disrepute,—I wish for his own sake that this worthy commissioner was only entitled to our contempt. The committee of conference "seemed willing to admit that the affairs of the town were not conducted in a satisfactory manner, yet they declined to state what they conceived to be the cause of the evil or to suggest any suitable remedy"; the committee of Council had therefore "to form their own opinions from such materials and evidence as they have been able to collect": under the head of "magistracy generally," they refer to the Act of 1799, which compels "all magistrates" to attend a general or quarter sessions, to transact the "public concerns and regulate the important business of the county," under penalty of removal from office, and state that from the record of five years it appears that not more than *three* justices have usually attended the *general* sessions of the peace in Halifax, frequently but *two*, and sometimes only *one*. This practice the law does not sanction, but "was passed for the express purpose of preventing it." From this it appears that Mr. Roach himself may sometimes have formed a general sessions of the peace, and then of course there "were no complaints emanating from or among" that immaculate body. "The public accounts do not appear to have been kept in that accurate and methodical manner so necessary to give general satisfaction. No clear views of public income and expenditure are exhibited. A person desirous of obtaining information upon one subject must make a laborious search through complicated accounts of great variety and length, and perhaps through a series of years, and may at length discover the object of his search in accounts where it could not be expected to be found. The commissioners of town property have not kept their accounts in the manner contemplated by law. There was no rent roll. No separate account of rents received and expenditures for repairs was exhibited to us, but numerous entries of this nature are promiscuously made in accounts signed by the County Treasurer. By these accounts we could not ascertain whether all rents have been paid or what sums are in arrears, or what accounts

are outstanding for repairs." We have seen the evidence upon which the magistrates acquitted the worthy commissioner for Bridewell; let us now see what the committee of Council think of that acquittal. They say, under this head, "The affairs of this establishment, and the imputation of mismanagement generally and pointedly against one of the commissioners, was made the subject of a special presentment by the grand jury. The sessions made inquiry into the circumstances, and transmitted to this committee several affidavits relating to the subject, without expressing any opinion on them. The affidavits and the papers connected therewith are submitted. As the magistrates have expressed no disapprobation of the conduct of a person united with them in the commission of the peace and delegated by them to superintend the affairs of an important establishment, the committee will refrain from stating any stronger opinion than an expression of their regret that from the unsatisfactory manner in which the accounts were kept and the affairs of the Bridewell conducted, the grand jury had grounds of complaint.

"The accounts of the County Treasurer have been kept in so confused and irregular a manner as not only to justify the grand jury in their complaint against him, but even to subject the court of sessions to reproof for permitting an officer under their control so long to continue the practice of making up his accounts in a manner so unsatisfactory, and so little calculated to show a clear state of the pecuniary affairs of the county."

Here, again, I feel that I could rest my case, but let me beg you to bear with me yet a little while. We have an important duty to perform—let us do it more faithfully than the magistrates have done theirs. Were I only concerned, I would not fatigue you further at this late hour, but the principles to be fixed by your verdict will be important to your children and to mine. While all the impressions which I have endeavoured to convey to your minds pressed strongly on my own, this letter came into my hands. And although it has since been voted a libel by the sessions, and has formed the groundwork of that terrible indictment, I assure you it appeared to me a very innocent affair. I might have said there are some wild charges, some loose calculations here; but if this body will cover up corruption, if they will stifle inquiry, and brave censure year after year, why, let the charge go to the public and perhaps it may arouse them to do at the ninth hour what they ought to have done at the first.

The letter commences with a quotation from Shakspeare :

"There is no truth at all i' the oracle,

The sessions shall proceed—this is mere falsehood."

And surely I could not have fancied that the magistrates would vote Shakspeare a libel. There was one of his characters that might have looked a little personal, that of Mr. Justice Shallow, for some of their worships were shallow enough. But where was Mr. Justice Deep? That was a character that even the fruitful imagination of the inimitable bard could not have

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conceived. Oh! if the commissioner for Bridewell, or the magistrate who bore the resolution of Tuesday, could have sat to the pride of Avon, then indeed we should have had Mr. Justice Deep side by side with Shallow, and a precious pair of portraits they would have made.

I have already said, that if the alleged libel did not contain one word of truth—that if it killed half their worships, instead of merely exciting them, you could only try me by the motives and intentions by which I was influenced. The law infers malice from the publication itself, and it throws the onus of rebutting that inference on the party accused. To rebut it, he must do as I have done, explain the reasons for his conduct, and show that he was innocent from ignorance, or that some public exigency justified him in violating the strict rule of law. Have I not done so? Which of you, in my situation, would have dared to do otherwise? If this doctrine of intention were not clearly recognized by the English law and if the jury were not made the exclusive judges of the circumstances which influenced the accused, there would be no safety for the press, no freedom of discussion at all. God forbid that I should attempt to set the press above the law; society should tolerate no privileged class that are not amenable to it. I endeavour so to perform my daily duties that I can at any time come before a jury and justify my conduct if required. If, influenced by hatred and malice, I publish matter, the tendency of which is injurious, and which is justified by no public necessity, let me be punished with the utmost rigour of the law; but if, in pursuing my lawful calling, I seek the public good, even if I commit an error of judgment, I have a right to protection from a jury, and from a liberal construction of the law.

Starkie, an eminent authority on the law of libel, says: “The occasion and circumstance of a communication may supply a qualified defence, dependent on the actual intention to injure. The constituting a large and extensive barrier for the legal protection and immunity of those who act *bona fide* and sincerely according to the occasion and circumstances in which they are placed, is not only just in a moral point of view, and advisable in a measure of policy, but is absolutely necessary for the purposes of civil society. Were the more probable effect and tendency of a publication to be the criterion of guilt, without reference to the real motive of the author and the occasion and circumstance under which he acted, the rule would be far too exclusive for the convenience of mankind, and the evil resulting from the publication would greatly outweigh the opposite advantages to be derived from it. It is indeed very possible that a party, actuated by the very best intentions, may propagate erroneous notions, but so long as he urges these opinions *bona fide* and believing them to be just, and intending to do good, his errors are not likely to prevail against the better sense and judgment of mankind to a very serious and prejudicial extent; and the continual and casual publication of erroneous opinions cannot be placed in competition with the splendid advantages which flow from permitting full and fair discussion on every subject of interest to mankind, as

connected with religion, politics, philosophy and morals. The security of the public in this respect is amply provided for by distinguishing between that which is published with a sincere and honest though unsuccessful intention to do right, and malicious attempts to injure society in general, or individuals in particular, by profane blasphemies, seditious or defamatory communications."

And again he says: "In reference to the criminal, as well as the civil branch of the subject, the occasion and circumstances of the communication may furnish either an absolute and peremptory bar to criminal responsibility, or a qualified one, dependent on the particular motive and intention with which the party was actuated in making such communication. The advantages of free and unrestricted communication on all political subjects is great and reciprocal; if the people have thus an opportunity of forming and expressing their opinions on public measures, those who administer affairs have also the means afforded them of becoming acquainted with the disposition, sentiments, and wishes of the people; of availing themselves of beneficial and useful suggestions; of affording explanation and redress where complaints are well founded; in short of securing that esteem, respect, and confidence, on the part of the people, which are essential to an useful and vigorous administration." "Where," says he, "the wilful act of publishing defamatory matter derives no excuse or qualification from collateral circumstances, none can arise from the consideration that the author of the mischief was not actuated by any deliberate and malicious intention to injure, beyond that which is necessarily to be inferred from the act itself." This is reasonable and right, and if I had published that letter, while no complaints prevailed against the sessions; if I wilfully sent such a charge abroad, having no good ground for believing that it was true, and that investigation was necessary, then would I have grossly overstepped the line of my duty, and subjected myself to the penalties of the law. "But," says Starkie, "the liberty of the press, and rational freedom of public discussion, are the real bolts and bars by which alone depredators on the religious and political rights of society are to be shut out, and the interests of the community preserved. To destroy these would be, in a political sense, to sleep with the doors unbolted, without the poor consolation of being able to hang the thief."

In the trial of Perry, the Attorney-General, in his opening to the jury, observed: "From the bench you will hear laid down from the most respectable authority, the law which you are to apply to those facts. The right of every man to represent what he may conceive to be an abuse or grievance to the government of the country, if his intention in so doing be honest, and the statement made upon fair and open grounds, can never for a moment be questioned. I shall never think it my duty to prosecute any person for writing, printing and publishing fair and candid opinions on the system of the government and constitution of the country, nor for pointing out what he may honestly conceive to be grievances, nor for proposing legal means of redress." It has often been thought strange that truth should be a libel, but

it is very reasonable notwithstanding. If a man throws a cup of coffee in his wife's face, and I publish that in a newspaper, though it may be true, yet is it libellous, because there is no public end to be served, and I have no right to invade the sanctity of private life.

Erskine, through whose exertions the Declaratory Act was passed, confirming the right of juries to decide on the law and the facts, and whose views of the true bearing of the law of libel are now generally recognized, says in his defence of the Dean of St. Asaph: "I come now to a point very material for your consideration; on which even my learned friend and I, who are brought here for the express purpose of disagreeing in everything, can avow no difference of opinion; on which judges of old and of modern times, and lawyers of all interests and parties have ever agreed; namely, that even if this innocent paper were admitted to be a libel, the publication would not be criminal, if you, the jury, saw reason to believe that it was not published by the Dean with a criminal intention. It is true, that if a paper containing seditious and libellous matter, be published, the publisher is *prima facie* guilty of sedition, the bad intention being a legal inference from the act of publishing; but it is equally true, that he may rebut that inference by showing that he published it innocently." Have I not in this case utterly demolished the legal inference? And again, says Erskine, in the language of all the law books, "The hostile mind is the crime which you are to decipher." Has my mind been hostile? Where is the proof of malice?

Sir James Mackintosh, in his defence of Peltier, says: "A jury must be convinced, before they find a man guilty of libel, that his intention was to libel, not to state facts which he believed to be true, or reasonings which he thought just." He further declares, that "This is the only offence where severe and frequent punishments not only intimidate the innocent, but deter men from meritorious acts, and from rendering the most important services to their country; they indispose and disqualify men from the most important duties which they owe to mankind. To inform the public on the conduct of those who administer public affairs, requires courage and conscious security. It is always an invidious and obnoxious office, but it is often the most necessary of all public duties. If it is not done boldly it cannot be done effectually; and it is not from writers trembling under the uplifted scourge, that we are to hope for it."

There is a passage in Curran's defence of Hamilton Rowan, that applies so strongly to this case, that I may be pardoned for quoting it: "And here, gentlemen, I cannot but regret that one of our countrymen should be criminally pursued for asserting the necessity of reform, at a moment when that necessity seems admitted by the Parliament itself; that this same unhappy reform shall at the same moment be a subject of legislative discussion and criminal prosecution. Who can avoid feeling the deplorable impression that must be made on the public mind, when the demand for that reform is answered by a criminal information." I will not declaim, gentlemen, on the value of free discussion, but I will trouble you on this head with one other extract from this speech of the

Irish orator. After alluding to the effects of the penal statutes, he asks : "What then remains? Only the liberty of the press, that sacred palladium, which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury, can ever destroy. And what calamity are the people saved from by having a public communication left open to them? I will tell you, gentlemen, what they are saved from : I will tell you also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud, and walks abroad ; the demagogue" (doubtless the sessions believe me to be one) "goes forth, the public eye is upon him, he frets his busy hour upon the stage ; but soon, either weariness, or bribe, or punishment, or disappointment, bear him down or drive him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will supply the flame. If you doubt of the horrid consequences of suppressing the effusion of even individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints ; even the person of the despot is never there in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber ; the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both ; the decisive instant is precipitated without warning, by folly on one side, or by frenzy on the other, and there is no notice of the treason till the traitor acts."

In looking into Hone's Trials, I was amused with a verse or two of one of his parodies, to the sentiments of which, after the labours of the day, I think we shall all respond :

"From taxes assessed, now raised at a nod,
While inspectors rule o'er us with their iron rod,
And expect homage paid them like some demi-god,
Good Lord, deliver us !

From a workhouse where hunger and poverty rage,
And distinction's a stranger to birth, sex or age ;
Lame and blind, all must work, or be coop'd in a cage,
Good Lord, deliver us !

From six in a bed in those mansions of woe,
Where nothing but beards, nails, and vermin do grow,
And from picking of oakum in cellars below,
Good Lord, deliver us !

From stickings of beef, old, wither'd and tough,
Bread like sawdust and bran, and of that not enough,
And scarcely a rag to cover our buff,
Good Lord, deliver us !"

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The word oakum reminds me of some other luxuries which may be enjoyed by commissioners, in virtue of the patronage they possess. But I will not explore the recesses of the oakum-rooms; they have not spared me, but I shall be magnanimous and have some mercy upon them.

I had marked many other passages, expressive of the opinions entertained by the most eminent British authorities, of the services rendered by the press, and the benefits of free discussion. I had also prepared many references illustrative of those principles of law which I have already stated and which show with how much care the press has been protected by the spirit and practice of the law in modern times. But night is closing upon us, and I have already trespassed largely on your patience; I shall, therefore, conclude with a brief notice of the case of the King *v.* Reeves; on an *ex-officio* information, for a libel on the Constitution:

"The Attorney-General, in his opening, stated that this information had been filed by him by the direction of His Majesty, in consequence of an address of the House of Commons to him for that purpose. The House had resolved it to be a malicious, scandalous and seditious libel, tending to create jealousies and divisions amongst His Majesty's liege subjects, and to alienate the affections of the people of this country from the Constitution; pursuing this resolution, charged the defendant with an intention to cause it to be believed that the regal power and government of this realm might, consistently with the freedom of this realm as by law established, be carried on in all its functions, though no Parliaments were holden; and the fourth count stated that it was done with intent to bring the power of the two Houses of Parliament into contempt. The question for the opinion of the jury, he said, was whether the defendant had published this book with the criminal intention charged in the information. If, on reading the whole of the pamphlet, the jury should be of that opinion, it was their duty to find the defendant guilty; but if, on the other hand, they should think that this was a mistaken execution of a good purpose, the defendant was entitled to an acquittal. He did not call for a verdict upon an inaccurate expression or ill-considered argument, if used with a good purpose.

"Plummer, for the defendant, urged the merits of the pamphlet at considerable length, contending that the book was published for a good purpose, to counteract republican principles, and that the defendant was worthy of praise, and not of censure, for the publication.

"The Attorney-General replied.

"Lord Kenyon said that the power of free discussion was the right of every subject of this country. It was a right to the fair exercise of which we are indebted more than to any other that was ever claimed by Englishmen. All the blessings we at present enjoy might be ascribed to it. It opened the way for the Reformation, and afterwards for the Revolution, and by its means were men emancipated from religious slavery in the one case, and the tyranny of the Stuarts in the other. When right was abused and excrescences arose, they might be lopped off, but at the same time, in a free country like ours, the pro-

ductions of a political author should not be too hardly dealt with. In this country a defendant could never be crushed by the name of his prosecutor, however great that name might be. This was not the first prosecution commenced under the direction of the House of Commons which had failed. In the *King v. Stockdale* the House of Commons were also prosecutors, but the defendant in that case was not weighed down by the weight of the prosecution, nor did the jury hold themselves bound to find the publication a libel because the House of Commons had voted it to be such. The jury were in that case advised to read the whole of the book, and from the whole taken together, to decide on the delinquency or innocence of the defendant. Although the jury are to form their judgment upon the particular passage stated in the information, they may compare that with the whole book, and see how it is qualified by it.

"The jury were out a considerable time, and afterwards returned to the bar and said that they were of opinion that the pamphlet was highly improper; but, nevertheless, thought that the defendant was not actuated by a bad motive, and therefore found him not guilty. Lord Kenyon said he approved of the verdict."

Here then you see, gentlemen, that the whole gist of the offence was the defendant's intention, and you see the doctrine admitted in its fullest extent by the crown officer, the judge and the jury. You see also the noble spirit of independence, the firm and unbending integrity, which distinguish an English court of justice. There an innocent man was protected by the law against the whole power of the House of Commons, as your verdict will protect me to-day against the persecution of the sessions. Without this doctrine of intention, the law, instead of being a parental guardian of the press, protecting its lawful acts, and checking its abuses, would be a tyrant binding it with chains.

It has been said by the eloquent Mackintosh, "That an English jury is the most refreshing prospect that the eye of accused innocence ever met in a human tribunal." I feel this day that the sentiment is just. An English jury will do justice to the poorest wretch on earth, though menaced by the proudest oppressor. The victim may be bound, and prepared for sacrifice, but an English jury will cast around him the impenetrable shield of the British law. Gentlemen, I feel that your verdict will rescue me from the perils with which I have been environed. You will not deliver me over to the tender mercies of the sessions. You will tell these jobbing justices that they should have come into court with clean hands; that they should have "set their house in order"—their Poorhouse and their Workhouse, before they came to claim a verdict to repair their rotten reputations. You will not send me to serve the commissioner of Bridewell, or permit them to make me the first tenant of the stocks they erected in the market-place, but never have used.

I thought of gathering from the newspaper files the various attacks that have been made from time to time upon the sessions and their officers, in order to exhibit to you the gradual swelling of this volume of abuse of which their worships complain. The task would have been an amusing one, and although

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it would prove that my persecutors had been for years deaf to the complaints of the community, and had only become suddenly sensitive, when they thought the whole might be answered by a bill of indictment, the process would have been tedious, and I have already taken up too much of your time.

Gentlemen, I have thus gone over the facts that rested on my mind at the time I published the alleged libel ; I have shown the bearing and depth of the impressions they made ; and have, I trust, convinced you, of the entire absence of any malicious motive. I have also stated to you what I believe to be the sound and rational construction of the English law ; and I have read to you the eulogiums which Britons on the other side of the Atlantic have passed on the value of the press. I now put it to you, whether you will or not, as an English jury would, take all the circumstances of the case into consideration to rebut the legal inference of malice ; and I ask you, if you will not extend to the press of your country the same rational protection which the British press enjoys ? Can you err, in following the example of that country, which has been so long the home of liberty ; whose noble institutions have been the fruits of free discussion, and under whose banner and whose laws we are now assembled ? I do not ask you to set the press above that law which Coke calls "the perfection of reason" ; but I ask you to cleanse me in that wholesome stream of British authorities revered at home, and imparting its benevolent and invigorating influence to the most distant portions of the empire.

Will you, my countrymen, the descendants of these men, warmed by their blood, inheriting their language, and having the principles for which they struggled confided to your care, allow them to be violated in your hands ? Will you permit the sacred fire of liberty, brought by your fathers from the venerable temples of Britain, to be quenched and trodden out on the simple altars they have raised ? Your verdict will be the most important in its consequences ever delivered before this tribunal ; and I conjure you to judge me by the principles of English law, and to leave an unshackled press as a legacy to your children. You remember the press in your hours of conviviality and mirth—oh ! do not desert it in this its day of trial.

If for a moment I could fancy that your verdict would stain me with crime, cramp my resources by fines, and cast my body into prison, even then I would endeavour to seek elsewhere for consolation and support. Even then I would not desert my principles, nor abandon the path that the generous impulses of youth selected, and which my riper judgment sanctions and approves. I would toil on and hope for better times—till the principles of British liberty and British law had become more generally diffused, and had forced their way into the hearts of my countrymen. In the meantime I would endeavour to guard their interests—to protect their liberties ; and, while Providence lent me health and strength, the independence of the press should never be violated in my hands. Nor is there a living thing beneath my roof that would not aid me in this struggle : the wife who sits by my fireside ; the children who play around my hearth ; the orphan boys in my office, whom it is my pride and

pleasure to instruct from day to day in the obligations they owe to their profession and their country, would never suffer the press to be wounded through my side. We would wear the coarsest raiment; we would eat the poorest food; and crawl at night into the veriest hovel in the land to rest our weary limbs, but cheerful and undaunted hearts; and these jobbing justices should feel, that one frugal and united family could withstand their persecution, defy their power, and maintain the freedom of the press. Yes, gentlemen, come what will, while I live, Nova Scotia shall have the blessing of an open and unshackled press. But you will not put me to such straits as these; you will send me home to the bosom of my family, with my conduct sanctioned and approved; your verdict will engraft upon our soil those invaluable principles that are our best security and defence.

Your verdict will, I trust, go far towards curing many of the evils which we have been compelled to review. Were you to condemn me, these men would say there is no truth in those charges, there is nothing wrong, and matters would continue in the old beaten track. If you acquit me, as I trust you will, they must form themselves into a court of inquiry for self-reformation; they must drive out from among them those men who bring disgrace on their ranks, and mischief on the community in which they reside. But, gentlemen, I fearlessly consign myself, and what is of more consequence, your country's press, into your hands. I do not ask for the impunity which the American press enjoys, though its greater latitude is defended by the opinions of Chancellor Kent; but give me what a British subject has a right to claim—impartial justice, administered by those principles of the English law that our forefathers fixed and have bequeathed. Let not the sons of the Rebels look across the border to the sons of the Loyalists, and reproach them that their press is not free.

If I wished to be tried by your sympathies I might safely appeal to you, who have known me from my childhood, and ask if you ever found malice in my heart, or sedition in my hands? My public life is before you; and I know you will believe me when I say, that when I sit down in solitude to the labours of my profession, the only questions I ask myself are, What is right? What is just? What is for the public good? I am of no party; but I hold that when I am performing my duty to the country, I am sincerely doing that which I engaged to do when I took the press into my hands. You will hear the Attorney-General close this case on the part of the Crown, but do not allow yourselves to be won by his eloquence from the plain facts and simple principles I have stated. I must, however, do that gentleman the justice to acknowledge that in the conduct of this prosecution I have received nothing but courtesy at his hands. As an officer of the Crown he is bound to perform this public duty, but I well know that persecutions of the press are little to his taste. When urged at times by members of the Assembly, over which in his capacity of Speaker he presides, to resent attacks made on that body in *The Nova Scotian*, his answer has invariably been: "No! let the press alone; if we cannot stand

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against its assaults, we deserve to fall." That, I doubt not, would have been his advice to the magistrates had they deigned to consult him. But oh! had I his powers of oratory, how I could have set this case before you!

" Were I Brutus,
And Brutus Antony, there were an Antony
That should move the very stones,"

not of Halifax to mutiny and sedition, but the broken stones in Bridewell to laughter and to scorn. The light of his penetrating intellect would have revealed the darkest recesses of municipal corruption; and with the hand of a master he would have sketched the portraits of these jobbing justices, and hanging them around the walls of Bridewell, would have damned them to imperishable renown.

To the gentlemen of the bar, who surround me, my thanks are also due. They have sympathized with the press in this its day of persecution; they have sent me books and volunteered assistance; and although the press sometimes bears upon them, those who are and will be the brightest ornaments of the profession have been most forward in endeavouring to sustain it. Their studies teach them the value of free discussion; they know the obligations which Englishmen owe to the press; and they well know, that as the securities of life and property were strengthened by its influence, so would they be destroyed beneath its ruins.

Gentlemen, I must apologize for the time which I have occupied, and for the errors and imperfections of this defence. But I now leave it in your hands, confident that you will discharge your duty and do me justice. I have never shrunk from responsibility, and I would again remind you that I would rather be cast into a prison for years than meet you in after life to reproach me with having misled you this day by false statements of fact or law. I have not done so, and I feel that I am entitled to your verdict. The press has constantly vindicated and maintained the independence of juries; English juries have been the steady friends and protectors of the press; and I now commit myself and the press of Nova Scotia to your keeping, asking only for justice, sanctioned by English law.

The delivery of this speech occupied about six hours and a quarter. The defendant was frequently interrupted by expressions of popular feeling. The Attorney-General, Mr. S. G. W. Archibald, rose to reply, but was interrupted by the Chief-Justice, who said that as the hour was late, and the jury had been confined so long, it would be better to adjourn the court. Mr. Murdoch remonstrated; Mr. Howe, he believed, had brought his defence to a close much sooner than intended in order to avoid the necessity of adjourning the trial. It would be unfair, therefore, to allow the other side the

advantage of the night to reconstruct their case. Mr. Howe begged the court to believe that he did not wish to shut out anything that could shake his statements; all he wished was to have the matter off his mind. The jury were consulted, and the foreman expressed their wish to remain; it was therefore determined to do so, but the crowd and the excitement being so great, and the difficulty of preserving order evident, his Lordship adjourned the court.

On Tuesday morning the trial proceeded.

The ATTORNEY-GENERAL then rose and spoke as follows :

My Lords, and Gentlemen of the Jury,—In calling your attention to this case I will endeavour to divest it of the amazing importance which has been thrown around it and bring it down to those plain rules of law by which alone it must be decided; and I trust that you have come here this morning as I have, disposed to give it a cool and dispassionate consideration. One would suppose from the vast assemblage around us, and from the feeling manifested, that this was a novel proceeding in courts of justice, and that some outrage on the rights of parties was about to be committed. But there is no such thing; we have to deal with a plain question brought before us by the ordinary modes of proceeding and to be defined by the rules of law. I will not attempt to travel over the defence made by the defendant in this cause; I am sorry to meet him here. He is a personal friend; but the feelings of friendship which I entertain for him will not prevent me from doing my duty. Indeed feelings of all kinds ought to be dismissed from your breasts and from mine, for they have been well described by an eminent authority to be the “quicksands of the law”; for nothing but the cool operations of the mind, influenced only by evidence, and the plain principles of the common law, can be effectual in keeping the peace of society.

It has been said, and I have seen it published in the newspapers, that when the magistrates read their resolution to the court, their Lordships referred them to me as their counsel, to direct them to the object of their wishes. I beg to state that I am acting here as the officer of the Crown. I am not the retained counsel of these parties; if it had not been for the situation I held, I might have been. My learned friends who have conducted this case are their counsel. I have no interest in the matter, I had no wish to interfere; but placed as I am at the head of the criminal law of the country and called on in my official capacity, I should be wanting in my duty if I did not state those rules and principles which the wisdom of our ancestors has considered essential to the public peace. If the peace of society is broken, who are to repair it? Not the press, that is not the tribunal, but the officers of the Crown, the courts and juries: therefore it is that those in authority ought to speak the sentiments of the law, that those things may be suppressed which would lead to breaches of the peace and to every man becoming his own avenger.

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The defendant in this cause has had every opportunity of stating his case, as I trust while I hold the office of Attorney-General every man similarly accused will have. He was under a misapprehension, however, when he supposed that an *ex-officio* information could not have been filed, but upon the oaths of the parties charged, negating the truth of the charge. I could have proceeded by that mode, but I have never been inclined to ride upon the prerogative of the Crown, and I therefore laid the matter before the grand inquest of the county. I never shrink from my duty, but seek to perform it in accordance with the established forms of the Constitution. One gentleman named the other course to me, but I said No; I will proceed by a fairer mode of indictment. I am proud that the defendant has done me justice in this respect. A copy of the bill of indictment was furnished to him and he has had liberty to defend himself, and in doing so, he has stated a great variety of things which could not be evidence, which are mere hearsay, and which the court would not have permitted counsel to use. I am glad, however, that he has had every facility for making his defence.

As something has been said about the mode in which the magistrates have sought redress, I must inform you that no private action would lie upon the publication. When an individual is slandered, he can bring his private action and claim his damages, and the public peace is not concerned or considered in that mode of trial. In that case the defendant, if he can prove the truth of the publication, is acquitted, because the law will not permit a party to come into court and make money by his reputation. That is not the law as respects public bodies. It does not allow the defendant to escape in this way. Let it not be said that because there may be a feeling against one or two individuals in the magistracy, that anybody is at liberty to charge them all. Some of the feeling and excitement which is now abroad may have arisen from charges made by the grand jury, and an opinion entertained that they have not been supported against such charges. But if they could have joined in a private action, the justification must have been as broad as the slander, because if it were not, it would have failed. When we turn to the law, and as the defendant has said—God forbid that he should be above it, or below either—I trust I shall convince him that he has brought himself within its range. That law by virtue of which you sit here, and by which their Lordships preside in this court—that wholesome stream of the common law which runs over even this remote portion of His Majesty's dominions and, in the language of the defendant, purifies and invigorates the country; this is the law, the rule of conduct, by which he prays to be judged, and I wish to administer to him no other.

Let me now turn your attention to that law by which the defendant himself wishes to be judged, the best inheritance from our ancestors, the common law of England, by which our rights and liberties are preserved inviolate. The freedom of a British subject consists in personal liberty, personal security and private property. The person of every man is preserved from violence, and with the protection of personal rights that of reputation has always been con-

sidered sacred by our law. No man by nature, independent of any municipal law, had a right over another, neither had he any right over his reputation. The common law early took notice of libel and slander; all nations whose laws are in any way regarded by the law of England, classed those offences among crimes against the public peace. The common law courts early took cognizance of them, and punished the offender by fine and imprisonment. The punishment of libel is as ancient as any part of the criminal law, and the rules respecting it are to be collected from those ancient writers who describe to us the crimes of murder, arson, burglary, larceny, robbery and other common law felonies. There is no positive enactment, it is true, defining libel; neither is there any such regarding other common law crimes and offences; it is unnecessary for the law of the land to speak where the law of nature and the ordinary sense of mankind have plainly spoken before. You have seen me, as Attorney-General, in important criminal cases where life has been forfeited, appeal to the general authorities for the law to guide juries as I must now appeal to them as regards this offence.

One of the first objects of the law is to withdraw from the injured the redress of their own grievances, and to administer equity and justice by the wisdom and discretion of those set apart for this important duty; but the direct tendency of libel, whether true or false, is to excite tumult and lead to private revenge; and as no man has a natural right over the person or reputation of others, so no man has the power by himself of administering justice by arraigning, trying, and condemning others, should they even seem to him to do wrong. The common law places under its protection the reputation as well as the person, and to insure the peace of society, ties up the hands of some, and the pens of others. The celebrated Hawkins considers libels reflecting on persons charged with the administration of the law, as of great enormity, tending not only, like all others, to breaches of the peace, but likewise to encourage insubordination to those in authority. Lord Camden considered it the particular duty of juries to set their faces against such libels. Invective, and the assigning of bad motives, can evidently answer no good purpose; such conduct cannot be justified towards private individuals, and society should communicate something of its sacredness to those in office. Let us then examine the effect of libel upon the public peace, which it is the first object of law to preserve. The generality of men are more disposed to resent a contemptuous word than an unjust action. Those who endeavour to dishonour us by words, are objects of more violent resentment and more implacable resentment than the authors of all other injuries. It is said that in ancient times there was slander, but libel was not the offence of an illiterate age; and if there were few prosecutions, it was because a more summary punishment was inflicted by the sword of the injured. The best of mankind have ever been highly sensitive and alive to injuries of reputation, and public tranquillity demands that the retaliation for offences of this nature should be wrested from the hand of the injured, because anger, which is ever ready to swell into furious

passions and prompt to immediate vengeance, will lead the sufferer not only to magnify the wrong, but greatly to mistake the remedy. Experience has taught us that all rules for the government of man are ineffectual in altering human nature, although much may be done, and much has been done, to withdraw retaliation from the hand of the injured, and to allow him the option of avoiding its exactions. Cases, particularly which affect reputation, have been considered by men of high honourable feelings, and otherwise of great humanity, as denying this alternative, and demanding that they shall vindicate themselves. Some are not satisfied that a court and jury should hear their appeal, and that the slow process of the law should be interposed for their protection. The best feelings of human nature will not endure this species of insult ; feelings which no regulations however framed, have yet been effectual in restraining ; and although the law may demand forbearance, yet we have frequently seen that in an ungarded moment the injured has stood forth as his own avenger, and called for a trespass on the law, by seeking the life of the offender at the risk of his own. The due administration of the law is alone capable in a great degree of repressing this feeling ; but it is not to be expected that those original principles will ever be wholly eradicated, or that law and custom will ever successfully interpose any compensation which will, in all cases, be accepted in the place of personal vengeance. Knowing the disposition of mankind, the law therefore watches over the beginnings of mischief, and the punishment of libel was ordained as a means of maintaining the public peace.

I will not turn again to the libel in the indictment except for a moment, to point out the most offensive passages. [Here the Attorney-General read the part which charged over-exactions, and taking large sums of money from the pockets of the community, by those placed in authority over them.] This is the charge of a crime of no ordinary character,—a charge of abusing the office they were appointed and sworn to administer, to put money into their own pockets. I have heard much from the defendant by way of charge against some ; sufficient is it for me to say, it was assertion without proof. If the nature of the charge would have allowed of a private prosecution, the defendant would then have been obliged to put his justification upon the record, and to prove the truth of it by witnesses placed in the box, and examined on oath, not by hearsay, nor even by the report of a committee of His Majesty's Council. The investigation by them might be a proper step, to see if there were not errors in this system the magistrates were called upon to administer ; but, thank God, the reputation of no man can be tried except in the face of the country ; neither a report from the council chamber nor from any other body, could be received in evidence for any such purpose in this court. Had the circumstances stated by the defendant against some of the magistrates been brought to the notice of this court by affidavit, and not denied in the same solemn manner, I should have felt it my duty to have filed an information and inquired into the truth of the matter charged ; but, in the

present prosecution, you must consider it mere assertion without legal proof. The libel is not, as we are informed, an editorial; it is not written by the defendant. If the charges against the magistracy were thus broadly to be made, why did the writer shrink from his work, why falsify himself under a borrowed name and become a coward in his crime. [Here the defendant interrupted the Attorney-General, and stated that he had full permission to give up the author whenever he pleased, but, contrary to the practice in all such cases, the name had never been demanded. This declaration elicited a round of applause, which having been promptly suppressed by the court, Mr. Archibald continued.] Although that was true, had the author been given up, I would not have proceeded against the publisher.

Having said so much on the law of libel, allow me to say a few words upon what is erroneously understood to be the liberty of the press. There is no question of greater importance in a free country than the liberty of the press; and within its legitimate bounds, I should be the last to interfere with its operations. The advantages which mankind have derived from the use of the press have excited a feeling in its favour, not easily to be overcome in a free government. It was the great means of diffusing that knowledge which before existed only in masses, in schools, and universities, and making it the common atmosphere to be breathed by all. Moral and religious knowledge, and the principles of liberty, were circulated by it. The term "free press," however, is to be understood with its limitations, as this great engine of human invention may otherwise be as dangerous in its abuse, as it is beneficial in its use: that term was applied to the press in opposition to the licensing and shackling which it underwent in former times. The rulers of the Continent seized upon this valuable invention as a sort of royal franchise, and enslaved and controlled it by limitations unknown to the laws of England. Our law thus defines it, as the personal liberty of the person who uses it to express his thoughts in the more improved way, thus invented by human ingenuity, leaving him always liable for any infringement of the privileges of others. It was a new power, but no new right; and security of reputation was not abridged by this new discovery. The liability of punishment which that law imposed was not, on the one hand abridged, nor was any new right or privilege granted to those who might use the press. Free discussion, although enlarged by the use of the press, was confined to the same legitimate bounds as respected the rights of others; that which, if written and published in the streets, or stuck upon a corner, and which was in its nature a libel, would be not the less so when published in the columns of a newspaper. What a man has a right to think and speak, he has a consequent right to print and to publish; but no man has a right by the common law to speak and publish what is injurious in a high degree to others; no man has a right of accusation, trial and judgment; so likewise no man has a right to publish, true or false, in the press or otherwise, that which a regard to the public peace and the rights of society prohibit. He who cannot justify slander

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written of me in his individual character, cannot return into the first person plural behind his press, and do the same thing with impunity; the individual wrong-doer is not lost sight of by the law in the plural of the press.

Let me now remark upon the intention of the defendant in this publication. He has defended himself with the exercise of that clear mind and sound understanding which he possesses in so high a degree; but I cannot allow him the range he has taken for the proof of intention. The intention of the writer is to be gathered from the libel written; and for that purpose he may call for the reading of every part of it, although not set forth in the indictment; and if it be a book, or pamphlet written as a review of the works of others, or for any other purpose, he may read passages from the general work to prove *quo animo* it was written. But to allow evidence of intention to be given in any other way is unknown to the law. The extenuating evidence is confined to the proof that it is a report of a trial or a speech in Parliament or the like; but except in such cases, the writer must be judged by what he has written, and to have done the act with the intention which the ordinary sense of a jury put upon the work. So clear is this reasoning, that I should not despair, from the correct views which the defendant is capable of taking of this point, and notwithstanding his splendid defence, were he in your box, to persuade him to convict himself.

This libel runs against all who have been in office for the last thirty years; many of them, men of high honour, have laboured hard for the good of this community, and have gone to their final account leaving an unsullied reputation behind them—now for the first time called in question. Many now alive have given up their time to the public without reward, but all are included in one general charge, without any evidence being given against any one. It required the reading of the defendant to select from this “sacred band” of robbers those who are to come under the saving clause. The defendant has read out his venerable father as one: he need not have done so; his unsullied reputation would never have left him obnoxious to any such charge. I readily assent to all that has been said by a son of a father who is an honour to him. I am proud to call him my friend; he was among my most early acquaintances in this town, and I have never ceased to esteem him. But might he not have returned to this band and handed out others? [Here he read over the names of several of the magistrates.] Men whose reputation has never been sullied; and if angry feeling against one or two was the ground of this proceeding, why not have named them, and allowed them to justify themselves by putting him to the proof of the assertions? But in this case, even to those aimed at, there is no proof, while all who are charged with keeping the public peace are included in one libellous attack. Gentlemen, it is with you, under the law of the land, to pronounce upon this publication, and be careful that your verdict be not the occasion of greater mischief; that you do not open the floodgates of libelling, and lead parties to avenge themselves, and thereby to bring about all the mischief the common law intended to prevent. I have stated the view

which I think it my duty to take of this publication, and, having discharged my duty, I leave the cause with you.

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His Lordship CHIEF-JUSTICE HALLIBURTON then delivered the following charge:

Gentlemen of the Jury,—This is an indictment preferred in the name of the King against Joseph Howe, and it is the duty of the court to state to you what the law is by which the case is governed. This duty is, perhaps, rendered more imperative by the novelty of the proceeding in our courts, and by the erroneous views which are often entertained of the law of libel. It has been truly said, that nothing has been more libelled than the law of libel itself. There are three modes by which parties may seek redress and by which society is protected against the consequences of slanderous and improper accusations: by bill of indictment, *ex-officio* information, or by an action on the case, instituted by a private party for the damage which his character may have sustained.

The law of libel, like the rest of the common law of England, is founded in reason; and if a private party comes into court for damages to repair his reputation, he must show that he had one to lose and that he has in reality been injured. He must not come here to make money of his character; and, therefore, the defendant can put in his plea of justification, and set out that the charges were true; and if he can satisfy the jury that they were, the plaintiff goes without damages because none have been sustained. An information may also be filed, at the instance of a private person, for the vindication of his character, upon his own affidavit that the charges are slanderous and untrue. So careful is the law of the right of reputation, it assumes that nothing can be more valuable to a man than his character, and therefore it provides this easy mode by which a man may come into court and vindicate himself from slanderous imputations. On the other hand, the party opposed may come in and prove that the charges are true; and if he does, the prosecutor loses his action, because it is incumbent upon him to prove that he is an injured man.

When we proceed in the other way we throw the party entirely out of the question. The magistrates are not known here. The defendant stands charged at the suit of the King; he has defended himself with the warmth and animation natural to the situation in which he was placed, and he has had a wide scope allowed, in stating to the jury such things as he conceived material to his defence. Where parties undertake to plead their own cause, they are usually allowed a greater latitude than their counsel would be permitted to take. But as respects the magistrates we have them not here. Your verdict will not condemn or acquit them. A charge of libel has been made, but it comes to us from the grand inquest of the county. In bringing this case before the court, the Attorney-General had two courses open to him, either of which he was at

liberty to take. He could proceed either by information or indictment. A private party may have his information, but then he must come into court and swear that the charges are false. He must satisfy the court that it is libellous matter of which he complains. But in a criminal action we have nothing to do with the truth; we are only bound to protect the public peace.

The other form of information is directed to this object as well as the indictment. The Attorney-General is entitled to file his information *ex officio*, and over this the court has no control. He is wisely clothed with this authority, because in times of great public excitement, it may be necessary to check disorders promptly and yet extremely difficult to get a grand jury to find a bill. The Attorney-General, of course, in using this mode is responsible for the exercise of his judgment, for the abuse of his power. A private applicant is bound to negative the imputations: the Attorney-General is bound to exercise a sound discretion. The other course is to go before the grand inquest and submit the libellous matter in a bill of indictment, and if they should be of opinion that it was not libellous, if they did not think that it was calculated to have a mischievous tendency, then of course they would not find the bill.

Under these circumstances the party charged in this indictment has been brought here. The law under which he has been arraigned is founded in reason and common sense and justice. As individuals are liable to commit offences against society, the courts have been appointed to try such offenders. It is not in the columns of a newspaper that they are to be tried and condemned. And if instead of parties preferring their accusations and seeking redress before the proper tribunals, they choose to scatter abroad charges and suspicions, under circumstances which induce a grand jury to find a bill, they have a right to be brought here; and we are to try whether the matter charged was calculated to disturb the public peace, and to incense and degrade the parties at whom it was aimed. With this investigation we are now engaged, and by your verdict the character of the magistrates will neither be improved nor injured; the King is the prosecutor here, and all you have to determine is whether these charges are libellous and whether or not they are calculated to disturb the peace.

It would be difficult to say that this letter does not contain a serious reflection upon the magistrates of Halifax. Although it is my duty to instruct you as to the true bearings of the law, and to tell you the view which I take of the publication itself; still the law has placed the whole responsibility on you; you stand there—twelve men chosen from the country, and representing it on this occasion—bound to perform a solemn duty, according to the principles of law, uninfluenced by any feelings but those of reverence for the law.

We have heard much here about the liberty of the press. The press is never mentioned without awakening a feeling of friendship in the breast of every Englishman. It is to that great instrument we are indebted for the recognition and general diffusion of those sound principles that existed before its invention, but which by its aid have been vindicated and defined. To this

we owe the firm establishment of those salutary principles of the common law, by which your verdict should be controlled, but which cannot be shaken or destroyed whatever way you decide. Your verdict, I repeat, though it will be very important to the defendant and the community in which you reside, cannot disturb those rules of law by which the characters of parties are guarded, and the liberties of the press secured. They are too firmly established to be undermined by any single decision, but yet it is most desirable that all decisions should be correct and conformable to law. You will do your duty as I do mine, though fully appreciating the benefits of free discussion, the value of that engine by which the sacred Scriptures are diffused over the universe, and which, though invented by man, was the gift of God to man, for, as He gave him speech by which to communicate his thoughts and impressions to his neighbour, so has He given him the press by which these may be conveyed over a wider range, only bounded by the circle of human sympathies and civilization.

The gift of speech is sometimes abused. The tongue that has been given to praise its Maker is frequently used to blaspheme Him; and thus the press, bestowed for the purpose of correcting the errors and improving the condition of man, is sometimes directed by malice and revenge, to the injury of private character, and the disturbance of the public peace. He who thus conducts or uses the press, subjects himself to the penalties of the law—the same law which existed for the protection of society before the press was invented. That engine has not altered the law, although it has multiplied cases for its exercise. Let discussion be free; but accusation and discussion are different things. Though such charges are frequently found in newspapers, still, if individuals seek their remedy, or if the Crown officers prepare a bill of indictment, the party having had the protection which such an investigation affords—for twelve men out of twenty-four must find the bill—comes before a court whose duty it is to state its opinion of the law and the facts; and if the jury find that the party has deserved the penalty of the law, he suffers that from which he should have been shielded by his own prudence and discretion. These are the principles by which public discussion is regulated, and I feel satisfied that while you will be disposed to cherish and protect the press, you will never sanction its abuse.

The course taken by the defendant has not been to induce you to believe that this paper is not a libel, but that he was acting under an impression that the charges were true, and that with that belief he admitted it into his columns. It is my duty to tell you that that is no legal excuse. If every word were true it would not be a justification; how then can he be excused? Surely not by the suppositions and impressions on his own mind. Malice is certainly one of the ingredients of a libel; but if a publication is libellous, and reflects on the characters of parties in such a way as to disturb the public peace, the law imputes malice, and that imputation must be rebutted by the defendant. The onus of rebutting the legal inference lies upon him, but the only proof that we

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require in drawing that inference is the libel itself. [Here his Lordship read and commented on the more prominent passages of the letter.] For this paper the grand jury have allowed the party to be indicted; they must have believed it to be of a mischievous tendency, else their duty was not to have found a bill. In my opinion, the paper charged is a libel, and your duty is, to state by your verdict that it is libellous. You are not bound by my opinion. You are not to be influenced by feelings, but to pronounce on the case before you according to the sober convictions of your own minds. If you think that this is not a libel, as a consequence, you must think that it bears no reflections injurious to the complaining parties. If this is your opinion say so; I leave the case in your hands.

The jury retired for ten minutes, when they returned with a verdict of "Not Guilty." The breathless silence in which it was heard, was broken by shouts of applause from the immense crowds in and around the courthouse. After receiving the congratulations of his friends who were immediately about him, the defendant begged leave to return thanks to the court for the kindness and consideration which had been extended to him throughout the trial. He trusted he had taken no liberty to which a British subject was not entitled, but he felt that the court might, as had been done elsewhere, have broken his argument by interruptions, and tied him up within narrower limits. On leaving the Province building he was borne by the populace to his home amidst deafening acclamations. The people kept holiday that day and the next. Musical parties paraded the streets at night. All the sleds in town were turned out in procession, with banners; and all ranks and classes seemed to join in felicitations on the triumph of the press. The crowds were briefly addressed by Mr. Howe from his window, who besought them to keep the peace; to enjoy the triumph in social intercourse round their own firesides; and to teach their children the names of the twelve men who had established the freedom of the press.

This ingenious and masterly defence made for Mr. Howe, as might naturally be expected in a small community, some bitter and implacable enemies. The bold stand which he had taken against the bankers on the currency question made some more, while the freedom with which he examined the very foundations of our Provincial government startled and alarmed a good many timid people, whose fears were excited by the misrepresentations and exaggeration of persons interested in the maintenance of the abuses which "the coming man" assailed. His popularity, however, steadily increased, and his name became more extensively known.

On the 18th of May, a silver pitcher was sent from New York by the Nova Scotians in that city, and at their request was publicly presented to Mr. Howe, in the Exchange, in the midst of his fellow-citizens. It bears this inscription :

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PRESENTED TO
JOSEPH HOWE, ESQ.
BY
NOVA SCOTIANS RESIDENT OF NEW YORK,
AS A TESTIMONY OF
THEIR RESPECT AND ADMIRATION
FOR HIS HONEST INDEPENDENCE IN PUBLICLY EXPOSING FRAUD,
IMPROVING THE MORALS,
AND CORRECTING THE ERRORS OF MEN IN OFFICE,
AND HIS ELOQUENT AND TRIUMPHANT DEFENCE
IN SUPPORT OF
THE FREEDOM OF THE PRESS.
CITY OF NEW YORK,
1835.

In the autumn of this year the serious derangements of the currency produced great commercial depression and gloom in the community. Many of the labouring and middle classes emigrated to the United States, and feelings of distrust and apprehension were widespread and very general in all parts of the country. Mr. Howe exerted himself to rouse the spirits of the people. In a series of articles he showed that the causes of embarrassment and depression were but temporary and would soon pass away; that the undeveloped resources of the Province were great and inexhaustible; that to fly from a country so richly endowed was folly and sheer cowardice; that prosperity would return with a sound currency, and that every community was subject to similar crises, which energy and perseverance invariably overcame. These appeals restored confidence and did much good.

On the 1st of October, 1835, Mr. Howe commenced a series of articles, afterwards republished in pamphlet form, in which public attention was directed for the first time to the practicability and importance of connecting Halifax with all the counties lying round the Basin of Mines by means of a railroad to Windsor.

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In this year, Mr. H. S. Chapman, one of the political agitators of Lower Canada, who was at the time in London, wrote two letters¹ to Mr. Howe, dated respectively May 30th and July 18th, with a view of eliciting a strong statement of the grievances of the reformers of Nova Scotia. Mr. Howe, who suspected that the malcontents of Lower Canada had armed rebellion in view, sent a memorable reply to Mr. Chapman. This reply was given to the public two years later, and Mr. Howe received the most flattering commendations from the leading English newspapers for his loyal sentiments. Mr. Howe's letter is as follows :

HALIFAX, N. S., October 2, 1835.

SIR,—A few days ago I received, *via* New York, your letter of the 18th July, with a copy of the article written by yourself for *Tait's Magazine*, and Mr. Roebuck's pamphlet on "The Canadas and their Grievances." I have also to acknowledge the receipt of your favour of May 30, but the pamphlet referred to in it never came to hand. Waiting in part for that, and being anxious to mark the progress of the dispute in Canada for some time further, in order to enable me to make up an opinion upon some points, I have put off writing to you from time to time, which I do not now regret, although, for any suspicion of disrespect it may have occasioned, I must beg to apologize.

Though feeling no sympathy for the official faction in Lower Canada, and hating and despising as intensely as you do those men and measures that have, in all the British North American Provinces, excited opposition and complaint; and although labouring to reform the public affairs of this my native country, I have for some time past shared in some degree the suspicion, which I assure you very generally prevails in the Lower Colonies, that the party with which you act are determined, at all hazards, to precipitate a contest with the mother country; and in order to effect this object, the redress of real grievances (the existence of which is admitted) was to be sought in a spirit the most unpromising and offensive. I will not conceal from you that this suspicion was strengthened by the falling away of John Neilson—a man of great experience; one who had given the most trying proofs of his adherence to principle; and that it has checked the ardour with which I formerly sympathized in all that was done and said by Mr. Papineau and his friends. The language of the late numbers of *The Vindicator*, the acknowledged organ of your party, leaves no ground for doubting upon this head. In that of the —,² the desire for independence, the anxiety to follow the example of the United States, and shake off the connection with England, is openly and candidly avowed; and though, perhaps, the declaration of these sentiments may have been hastened by some foolish publications on the other side, still they are abundantly suffi-

¹ The letters were published in *The Nova Scotian* of December 21st, 1837.

² The date has not been preserved, and we have not the file to refer to.

cient—coupled with other indications of the feelings of the majority leaders—to convince me that an independent existence, or a place in the American Confederation, is the great object which at least some of the most able and influential of the Papineau party have in view; and that a redress of grievances as a colony is with them a matter of secondary importance, and if it were to retard instead of accelerating this devoutly-wished consummation, one rather to be deprecated than desired. I know that this is a charge often brought against you by your enemies; I allude to it with a very different purpose: that you may understand how Canadian affairs are viewed in Nova Scotia, and that colonial reformers may not misunderstand each other. I am quite aware that I run some risk of losing your confidence by this avowal, having seen enough of the spirit of party to teach me that men like not those who question their infallibility. But frankness and candour may save us all much trouble, and we owe it to the great interests involved to deceive neither ourselves nor each other.

Assuming, therefore, that a sudden and forcible breach of the connection with Great Britain is the wish of the whole or of a large portion of the Papineau party in Canada, I may state, with confidence, that at least seven-eighths of the population of the Lower Provinces would be opposed in sentiment to any such movement. Though cordially opposed to the little knots of councillors, lawyers and placemen, who stand in the way of improvement, the people of Nova Scotia and New Brunswick are sincerely attached to the mother country, and disposed to cultivate towards her inhabitants the most friendly feelings. We do not blame upon the people of Britain the various acts of misrule of which we complain, because we have seen them struggling against the same enemies that have usually oppressed us. The mischievous anomalies and burdensome exactions of the aristocratic factions have been, if anything, more severely felt in Britain than in the colonies. Her people are only now re-conquering the rights of which they have been cunningly despoiled. And we look forward with confidence to the time when, by our own efforts and the cordial co-operation of the Liberal party at home, we shall be able to destroy our local factions, and enforce economy and popular control. If, when the Tories of Britain are weakened by expulsion from the Corporations, the Irish Church, the unjust monopoly of all offices, civil, naval, and military, the people of Britain, having the power in their own hands, refuse to do us justice; if they withhold their sympathies and co-operation when we seek to follow their examples; if they refuse to carry out in the colonies the principles they maintain at home, then there is no doubt that the feelings of our population will be turned into other channels, and the connection with Britain be viewed very differently from what it is now. In the meantime, however, we consider it unfair and ungenerous to assume that justice will not be done us, or to encourage feelings of hostility to a country, the rapid reformation of whose institutions leads us to hope for an entire sanction of beneficial changes in our own.

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We cannot shut our eyes to the fact, that, surrounded as we are by great and growing States, many of them now possessed of almost national resources, we must be more or less subject to influences beyond our immediate control; and that the time may not be very distant when the question of independence, or of a federative union with the adjoining colonies, may come to be considered, not as one forced on us by any neglect or oppression of the mother country, but as a natural consequence of our position, and the necessity it imposes of having an efficient and prompt government upon the spot, where its vigilant eye and protective hand may be most required. When this time comes, the leading minds of the colonies must endeavour to lay the foundations of a rational system, suited to the circumstances under which they are called to the task. But our people have no disposition to hasten on this period; or of themselves to precipitate any crisis, or to aid any rupture, which shall compel us to enter upon the business of self-government before we are prepared, with the enmity of a powerful nation, from which we have sprung, and to which we are sincerely attached, as a drawback on our exertions. We would rather, if the separation comes, that it should be the result of an amicable agreement, founded on an enlightened view of the circumstances by which all parties must consent to be controlled. We wish to steer clear of that feeling of bitterness towards each other's manners and institutions which so generally prevails in England and the United States, and which is the fruitful parent of much error, and prevents two nations from doing much good to the rest of the world, that might be accomplished by mutual confidence and co-operation.

But, while we think and reason thus, shaping our views by the knowledge we have, we do not pretend to judge for others, who may be differently situated, and who may be disposed to a different course of policy. Though a student of Canadian affairs for some years past, I have never been in Canada, and therefore may have but an indifferent estimate of your means either of resistance to British fleets and armies, should resistance become necessary, or of your capacity for self-government, should a contest terminate in your favour. But my own impression is, that without the cordial co-operation of the other colonies, even with the aid of the United States, Lower Canada could not achieve a forcible independence; or if she did, the cost to all parties would be so great, as to be a serious punishment for precipitancy in an object which, in the very nature of things, must at some not very distant day be peacefully obtained. The old colonies, being numerous, spread over an immense extent of country, and having a powerful European nation, and gross ignorance on the part of their assailants, to aid them, made an honourable and successful stand. They had the mercantile body at their back; you have them nearly all against you. But if the French population of Canada are, as I presume, the same people with the Acadians who still inhabit some townships of this Province, they are not such good materials as were the descendants of the Pilgrims, either for passing through a fiery struggle with such a power as Great Britain, or for building up of themselves a valuable system of govern-

ment when it comes to an end. They certainly have some able leaders at the present time. Mr. Papineau is unquestionably a man of splendid powers; but it must be confessed that there are not a few of their public men, both in the Assembly and out of it, wanting in talent and discretion, and scarcely equal to the conduct of such a movement as I have presumed they contemplate. I have rarely seen a more unstatesmanlike and discreditable paper from any legislative body than were the famous ninety-two resolutions. I do not speak so much of their substance, as of their style, and of there being *ninety-two* of them. If you compare them with any of the resolutions of Charles the First's Parliament, when complaining of grievances, or with the resolutions of Congress, or of the old Colonial Assemblies, you will understand what I mean. However, if you think you have a good cause, and the wisdom and the strength, and are determined on a rupture, why then the issue is in the hand of God, and the fruits in the womb of time. We tell you what we think, and why we can be no parties to the contest, and, having done so, shall await the result.

Thus far I have written upon assumptions that, I am quite aware, are unwarranted by anything in your letters, but which have been forced upon me by the acts and sentiments of the party whose agent you are, so far as I have observed them during the past two years. I have written them in order to elicit such a declaration of your views, opinions and resources, as may enable me to judge more accurately of the advantages or disadvantages of your position; and that you may not be led into any ill-digested or precipitate contest, presuming upon the strength of sympathies and feelings in the Lower Provinces, which I assure you do not exist. If, setting aside the matter of grievances, you are disposed to argue the broad question of admission into the American Republic, or a federative union of the Provinces, as one of principle, interest or expediency, of course we shall endeavour to entertain it as one that sooner or later must be thoroughly canvassed and understood.

But, if you really desire to continue the connection with Britain, until these colonies have grown up to "man's estate"—until they are riper in knowledge, virtue and resources, than I think they are now; and merely seek such changes and reformations as are essential to their peace and prosperity—to the controlling of local factions, and the enjoyment of economical and responsible government, then will I go with you heart and hand; and, what is of much more consequence, the great bulk of the people in these Provinces will go with you also. Throwing aside everything that has been said upon a different supposition, and turning to the matter of colonial grievances, as if we all intended their removal and nothing more, I must thank you for your very able, argumentative and judicious article in *Tait*. I read it with interest and pleasure. Mr. Roebuck's pamphlet I liked less. I may be mistaken, but I think that gentleman has got quite credit enough for all the talent and judgment he possesses; so far as we can decide at this distance, his recent displays, either in Parliament or the press, have earned him but few laurels.

As this letter has grown to such a formidable length, I shall not be able

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to comply with your request for information until I can snatch another leisure hour. Perhaps the best way in which to co-operate with you would be for me to write an article, either to be published in *Tait* or elsewhere, as you think expedient, embodying the views of reformers here of the grievances of our own colony. If I can spare the time, I will do this shortly, and send you such other information as may assist in enlightening the good folks at home upon topics which, for their own and our interest, they should rightly understand. In the meantime, I remain your obedient servant,

JOSEPH HOWE.

To H. S. CHAPMAN, Esq.

On December 27th, Mr. Howe lost his father, at the advanced age of eighty-three. The father was taller and stouter than his son, strongly built, with a remarkably benevolent expression of countenance, and a fine head. The public references made to this estimable man have been already noticed, but in private life his son was never weary of expatiating on his virtues.

"For thirty years," he said, "he was my instructor, my playfellow, almost my daily companion. To him I owe my fondness for reading, my familiarity with the Bible, my knowledge of old colonial and American incidents and characteristics. He left me nothing but his example and the memory of his many virtues, for all that he ever earned was given to the poor. He was too good for this world; but the remembrance of his high principle, his cheerfulness, his childlike simplicity, and truly Christian character is never absent from my mind."

CHAPTER III

1836

The Halifax Gardens—Lecture on “The Moral Influence of Woman”—Dissolution of the Assembly—Mr. Howe nominated—Speech before election—Mr. Howe returned—Speech at close of polls.

IN 1836, several articles were published by Mr. Howe in *The Nova Scotian*, calling public attention to the value of horticultural gardens as schools of instruction replete with genial influences, and repositories from whence would spread a taste for flowers and a knowledge of scientific horticulture. A society was formed shortly after, ground was purchased, and the establishment of the valuable gardens which now adorn the city of Halifax is the result of Mr. Howe's efforts.

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In the files of this year appears Mr. Howe's lecture on “The Moral Influence of Woman.” This lecture was delivered before the Halifax Mechanics' Institute on May 4th, and is as follows:

I trust that my fair countrywomen will not suppose that the idea of preparing a paper, addressed especially to them, originated in a disparaging estimate of their understandings, or in any distrust of their inclination and ability to partake largely of the wholesome philosophic and literary fare furnished by those who cater for the weekly feasts provided at this Institute. I hope also that they will not suspect me of a design to waste this leisure hour in vain trifling and mawkish compliment—foreign to the avowed objects for which we meet, and insulting to the good taste of such an audience as is here assembled.

My object in appearing before you this evening is very different. The design of this paper originated in a conviction of the immense moral influence which females as a class possess, in a high appreciation of this power, and a desire to give it a bearing, so far as circumstances permit, on the character and prosperity of our common country. Pardon me, if I venture to assert that there are many females in Nova Scotia—nay, that there may possibly be some in this audience—who are not duly sensible of the extent of this influence, or of the paramount obligation which it imposes. Nor is this surprising. The recognition of great principles, the growth of public spirit (the want of which in this community has often been lamented here), is generally slow in a new

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country. Men themselves are often but tardy scholars of what they should learn and practise without delay; and though each may not be indisposed to "do the state some service," their collective duties to society are often ignorantly or indifferently put aside; while their vague designs and languid determinations assume no palpable or profitable form.

If this be true as respects the lords of creation, to whom the portals of colleges are open, whose self-examinations are prompted by the seclusion of academic groves, whose minds are informed and faculties quickened by those studies and that training which are essential to success in the professions, or in the active business of life,—how much more may "gentler woman" be excused for a less early appreciation of her moral power in the state, and of the high duties imposed by its possession. But in a new country, as I have often told you, much depends on early impressions and determinations; and the sooner that both sexes understand the natural boundaries of their influence and their obligations, and become feelingly alive to the reputation and advancement of the land in which they live, the sooner will it flourish; the more rapid will be the growth of that public spirit or rather public virtue, the fruitful parent of high thoughts, amiable qualities, noble actions and valuable institutions. ✓

Strongly impressed by this belief, I endeavoured some two years ago to kindle the fire of honourable enterprise in the minds of my young friends of my own sex by a few simple appeals and historic illustrations. The same motives which induced me to address them, urges me now, ladies, to address you; and to solicit your attention to some views which, if not novel, are well meant; and in the exhibition of which I have studied simplicity rather than effect—the ornament of common sense, rather than the pomp and grace of language.

It is a common error—one extensively propagated by the overbearing and self-sufficient of our sex—that woman's thoughts should be bounded by her household cares; that these alone should engross her time; and that all matters of literature, science, politics and morals, should be carefully eschewed—as any infringement on man's exclusive monopoly of these, would at once detract from the softer graces of the female character, and endanger the balance of domestic subordination. On the other hand, the more reckless and daring apostles of the Rights of Women have contended for a measure of liberty so large, for a participation in masculine thoughts and employments so extensive and so gross, that they have made but few converts to their theories and are not likely ever to persuade a whole people to bring them into practice.

Let us not be led away by either extreme; but while we preserve inviolate the delicacy and freshness of the female character, that which is the presiding spirit of domestic life, and gives to it its holiest and most inexpressible charm; let women exercise that legitimate and rational influence on all the great interests of society, to which they are entitled, by their knowledge, their talents

and their virtues, and especially by the deep stake they have in the general happiness and prosperity, not only now, but in all succeeding times.

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Before explaining how I think this influence may be brought to bear on the advancement of our own Province, let me turn your attention to the direction of the female character in other countries ; to its bearing on their history and institutions ; to the excitements it held forth to genius and valour ; and to the fidelity with which it followed out the great objects and prevailing impulses of the age.

The favourite pursuit, the passion, the business, if you will, of most ancient, and indeed of most modern nations, of which we have any authentic accounts, appears to have been war. However the motives may have varied, or the principles on which these contests were conducted may have differed ; vibrating as they did, between the bloody exterminations of the Scythian and the courtly politeness of chivalry ; still war was the great end and aim of life ; the highest honours of the state were to be won in battle ; and man's wealth was estimated by the wounds upon his body, or the numbers he had slain. So prevalent and so exciting was this warlike spirit, that no nation was secure which did not possess courage, discipline and experience superior to its immediate neighbours. Wars were continually declared or courted, in order to acquire or test these qualities ; and the whole system of education was framed to prepare youth for the tented field, and teach them that it was more honourable to die fighting bravely in their ranks, than to live a life of cowardice and ease, earning for their families no honour, and performing no service to their country.

Remember that we are not now approving of the conduct of these semi-barbarous ages, but looking at their spirit and institutions, in order to trace the influence of the female character upon them, and to show how much they were indebted to that influence for the self-devotion they exhibited and the glory they achieved. It would not be wise, because it would not be delicate, to examine minutely the bearing of ancient laws and customs on the liberty and privileges of the female sex ; but this I think I may venture to assert, that in ancient as in modern times, the influence which women exercised upon the spirit of their age, on the character and fortunes of their country, was in exact proportion to the consideration in which they were held, and the rational freedom they enjoyed.

When treated as slaves and inferior beings, they have invariably degenerated, as man himself does when so treated, in body and in mind. But when regarded as rational beings, as the friends and companions of the other sex, as the wives and mothers of warriors and statesmen, they have constantly shown an elevation of soul, a susceptibility to the impressions of patriotism and national glory, a readiness to sacrifice even the heart's best affections to the interests of their country, and the reputation of those they loved, which justifies the high place that they occupy in the history of the more civilized nations of antiquity, and satisfies us, that had the general mind in some of them had a wiser and less sanguinary direction, female influence would have fostered the

arts of peace as assiduously as it cultivated and transmitted the sentiments and impressions essential to a state of war.

How much of the spirit of ancient Sparta breathes, even at this day, from the noble answer of the mother of Cleomenes, when her son had been promised succour by Ptolemy, King of Egypt, on condition that he would send his parent and children as hostages. After much irresolution and visible sorrow, he ventured to communicate the sad alternative, when she replied—"Was this the thing which you have so long hesitated to communicate? Why do you not immediately put us on board a ship, and send this carcase of mine where you think it may be of most use to Sparta, before age renders it good for nothing, and sinks it in the grave?" Being on the point of embarking, she took her son alone into the temple of Neptune, where, seeing him in great emotion and concern, she threw her arms about him and said—"King of the Lacedæmonians, take care that when we go out no one perceive us weeping or doing anything unworthy of Sparta. This alone is in our power; the event is in the hand of God." After her arrival in Egypt, hearing that Cleomenes, though desirous to treat with the Achæans, was afraid to put an end to the war without Ptolemy's consent, she wrote to desire him "to do what he thought most advantageous and honourable for Sparta, and not for the sake of an old woman and a child, to live in constant fear of Ptolemy."

Though often apparently wrapt up in the honour of the individual they loved, there was, in the breasts of these Spartan dames, a regard to the reputation of the state triumphing over every feeling of mere family pride. The mother of Brasidas, inquiring of some Amphipolitans whether her son had died honourably, and as became a Spartan, they loudly extolled his merit, and said there was not such a man left in Sparta: upon which she replied—"Say not so, my friends; for Brasidas was indeed a man of honour, but Lacedæmon can boast of many better men than he."

When their city was threatened by Pyrrhus, and the Lacedæmonians proposed to send off their women to Crete, Archidamia, entering the Senate with a sword in her hand, complained of the mean opinion which they entertained of the women, if they imagined that they would survive the destruction of Sparta. This appeal prevailed, and as soon as the works necessary for defence were commenced, the matrons and maids devoted themselves to labour. Those that were intended for the fight, they advised to repose themselves; and, in the meantime, they undertook to finish a third part of the trench, which was completed before morning. At daybreak, the enemy was in motion; upon which the women armed the youth with their own hands, and gave them the trench in charge, exhorting them to guard it well, and representing how delightful it would be to conquer in the view of their country, or how glorious to expire in the arms of their mothers and their wives, when they had met their deaths as became Spartans. And for two days they contrived to aid and encourage them; and, by their conduct, saved the city from pillage, and their persons from dishonour.

In that scene in Glover's "Leonidas," where the devoted warrior parts from his wife and children—though the positive certainty of death makes grief predominate over every other feeling in her bosom for the time—the arguments he addresses to her show what were, to a Grecian woman under such circumstances, the true sources of comfort and consolation :

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"Wherefore swells afresh
That tide of woe? Leonidas must fall.
Alas! far heavier misery impends
O'er thee and these, if, softened by thy tears,
I shamefully refuse to yield that breath
Which justice, glory, liberty and heaven
Claim for my country, for my sons and thee.
Think on my long unaltered love. Reflect
On my paternal fondness. Hath my heart
E'er known a pause in love, or pious care?
How shall that care, that tenderness be shown,
Most warm, most faithful? When thy husband dies
For Lacedæmon's safety, thou wilt share,
Thou and thy children, the diffusive good.
I am selected by the immortal gods
To save a people. Should my timid heart
That sacred charge abandon, I should plunge
Thee, too, in shame and sorrow. Thou would'st mourn
With Lacedæmon; would with her sustain
Thy painful portion of oppression's weight.
Behold thy sons, now worthy of their name,
Their Spartan birth. Their glowing bloom would pine
Depress'd, dishonoured, and their youthful hearts
Beat at the sound of liberty no more.
On their own merit—on their father's fame,
When he the Spartan freedom hath confirmed,
Before the world illustrious will they rise,
Their country's bulwark and their mother's joy."

The effect of this reasoning is told in the lines which follow :

"Here paused the patriot. In religious awe
Grief heard the voice of virtue. No complaint
The solemn silence broke."

I might turn your attention to many other passages, illustrative of the influence of the female character, in what Thomson calls

"The man-subduing city, which no shape
Of pain could conquer, nor of pleasure charm";

and where

"The tender mother urged her son to die."

But let us pass on to Rome, where we shall find the same high estimation of valour, military conduct, and devotion to the service of the state, under different

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laws and modifications, but fostered and strengthened in the same manner, by the powerful stimulants of female tuition and influence. How much of the national character is exhibited in the matron Cornelia's reproach to her sons "that she was still called the mother-in-law of Scipio, and not the mother of the Gracchi"; a reproach, however, which, at a later period, they nobly wiped away. We can see in her presentation of these very sons—whom she was thus privately exciting, but of whose characters she had formed a just idea—to the vain lady of Campania, as her richest jewels, the very pulsations, so to speak, of the whole female heart of ancient Rome.

Indeed, we cease to wonder at the heroic deeds and sentiments of the men, when we contemplate the characters of the women. The account which Plutarch gives of the conduct of Portia, when she distrusted her own courage to preserve the dreadful secret which she saw was preying on the mind of her husband, will help to explain my meaning. She secretly gave herself a deep flesh-wound, which occasioned a great effusion of blood, extreme pain, and a consequent fever. Brutus was sincerely afflicted for her; and, as he attended her in the height of her pain, she thus spoke to him: "Brutus, when you married the daughter of Cato, you did not, I presume, consider her merely as a female companion, but as the partner of your fortunes. You indeed have given me no reason to repent my marriage; but what proof, either of affection or fidelity, can you receive from me, if I may neither share in your secret griefs, nor in your secret counsels? I am sensible that secrecy is not the characteristic virtue of my sex; but, surely our natural weakness may be strengthened by a virtuous education, and by honourable connections; and Portia can boast that she is the daughter of Cato and the wife of Brutus. Yet, even in these distinctions I placed no absolute confidence, till I tried and found that I was proof against pain." She then showed him her wound, and informed him of her motives; upon which, Brutus was so struck with her magnanimity, that, with lifted hands, he entreated the gods "to favour his enterprise, and enable him to approve himself worthy of Portia." The resolute conduct of this noble woman, who swallowed fire rather than survive the death of her husband, on the failure of his enterprise, proves that this was no domestic ruse, but a manifestation of spirit and integrity, characteristic of the country and the age.

It was said of Marcius Coriolanus that his great actions were not so much performed for the love of his country as to "please his mother." Shakspeare has caught the true spirit of this lady's character; and as the sentiments he puts into her mouth are chiefly borrowed from authentic history, embellished, of course, by poetic language, I may be pardoned for quoting a few lines from him. It is that passage in the play which precedes the visit of Valeria:

"The noble sister of Publicola,
The moon of Rome; chaste as the icicle
That's curdled by the frost from purest snow,
And hangs on Dian's temple."

"When yet," says Volumnia, speaking of her distinguished offspring, "he was but tender-bodied, and the only son of my womb; when youth, with comeliness, plucked all gaze his way; when, for a day of king's entreaties, a mother would not sell him an hour from her beholding—I, considering how honour would become such a person; that it was no better than picture-like to hang by the wall, if renown made it not stir, was pleased to let him seek danger where he was like to find fame. To a cruel war I sent him, from whence he returned, his brows bound with oak. I tell thee, daughter, I sprang not more in joy at first hearing he was a man-child than now, in seeing he had proved himself a man.

"*Virgilia*. But, had he died in the business, madam, how then?

"*Volumnia*. Then his good report should have been my son; I therein would have found issue. Hear me profess sincerely: had I a dozen sons, each in my love alike, and none less dear than thine and my good Marcius, I had rather had eleven die nobly for their country, than one voluptuously surfeit out of action."

And again, carried away by her own enthusiasm, she exclaims:

"Methinks I hear hither your husband's drum;
See him pluck Aufidius down by the hair;
As children from a bear, the Volscies shunning him:
Methinks I see him stamp thus, and call thus,—
'Come on, you cowards—you were got in fear,
Though you were born in Rome.' His bloody brows
With his mail'd hand then wiping, forth he goes,
Like to a harvest-man, that's task'd to mow
Or all, or lose his hire.

Vir. His bloody brow! Oh Jupiter, no blood!

Vol. Away, you fool! It more becomes a man
Than gilt his trophy. The breasts of Hecuba,
When she did suckle Hector, look'd not lovelier
Than Hector's forehead, when it spit forth blood
At Grecian swords' contending.

Vir. Heaven bless my lord from fell Aufidius.

Vol. He'll beat Aufidius' head below his knee,
And tread upon his neck."

There spoke the true spirit of ancient Rome. Nor is it a matter of wonder that a people nourished, educated, and excited by such a race of women became the conquerors and masters of the world. The wonder would have been had they belied in the field the admirable training of the domestic hearth.

But the Roman women did not only encourage their husbands and children to fight bravely in war, but to preserve an unblemished reputation for integrity at home. They applauded their disregard of the paltry temptations of society, and fixed their attention on the nobler qualities of the understanding and the heart and on the attainment of the solid honours of the state.

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"There were not fewer," says Plutarch, "than sixteen of the *Ælian* family and name who had only a small house and one farm among them; and in this house they all lived with their wives and many children. Here dwelt the daughter of *Æmilius*, who had been twice Consul, and had triumphed twice, not ashamed of her husband's poverty, but admiring that integrity which kept him poor."

I might turn your attention to many other passages, highly illustrative of the moral influence of the female character in ancient Greece and Rome—to the spirited reply of *Gorgo*; the courage of *Coelia*, who swam the river at the head of the Roman virgins under a shower of darts; or the self-devotion of *Arria*, who plunged a dagger into her own breast to teach her husband how to die; but we have not time to dwell longer here, and I think the illustrations I have chosen are amply sufficient for my purpose. For they teach us this great lesson, that two of the foremost nations of antiquity were as much indebted to their women as to their men for the extended influence and exalted reputations they achieved. We cannot, perhaps, at this distance of time, say which is entitled to the larger share of praise, for originating and strengthening those sentiments of exalted courage and patriotic self-devotion which were the fruitful sources of private honour and public advantage; but the rational conclusion is that they were mutually cultivated and inspired, that where woman's softer nature shrunk from the idea of peril and the consequences of exposing those she loved, the patriot lord and father, as in the case of *Leonidas*, inculcated lessons of firmness and public virtue; and where man himself required a spur to his ambition, it was supplied by *Cornelia's* taunt or *Volumnia's* ardent praise.

We need not dwell on the dark period which succeeded the fall of the Roman Empire. That the influence of woman was felt upon it, that its horrors were mitigated by her gentle ministrations, by her natural tenderness of heart, we cannot doubt; for, to believe otherwise, would be to question the known characteristics of the sex in every country and in every age. But let us pass on to that period when the business of conquest having ended, the feudal system arose in every country in Europe, and upon the genius of which it will be seen that women exercised the most admirable and extraordinary influence.

It is the custom to mourn over the fall of the Roman Empire. But when we contemplate the general corruption, the social slavery and degradation of the mass, the depravity and cruelty of the few to whom birth, wealth or audacity had given power, we almost feel thankful for that tide of rude but comparatively virtuous barbarians by whom its whole boundaries were overflowed, and cease to regret the decline of that knowledge and those refinements which were so interwoven with cruelty, imbecility and vice. And it is pleasing to turn from the female character, soiled as it was in the latter days of the Empire by the operation of vile laws and customs, the influence of luxury and the general corruption of morals and manners, to the simple dignity which it maintained in the fastnesses of the north, and in those remote regions to which

the term barbarian was applied. "It was, in truth," says Mills in his "History of Chivalry," "the virtue of the sex, and not any occasional or accidental opinion, that raised them to their high and respectable consideration. The Roman historian marked it as a peculiarity among the Germans that marriage was considered by them a sacred institution and that a man confined himself to the society of one wife. The mind of Tacitus was filled with respect for the virtuous though unpolished people of the north; and, reverting his eyes to Rome, the describer of manners becomes the indignant satirist, and he exclaims that no one in Germany dares to ridicule the holy ordinance of marriage or call an infringement of its laws a compliance with the manners of the age." It is evident from all the accounts we have that women among these northern nations, while they preserved a virtuous simplicity of manners, stimulated their husbands and lovers to disregard death, and to seek for renown in those rude contests which, commenced by the encroaching spirit of the ancient Romans, ended but in the downfall of their widely extended power. Plutarch gives an account of a battle between the army of Marius and the Cimbri, in which the latter were beaten. When driven back upon their encampments, they found their women standing in mourning by their carriages, who killed those that fled,—some their husbands, others their brothers, and some their fathers. They strangled their children with their own hands, and threw them under the wheels and the horses' feet. And Strabo, I think it is, who mentions that such of them as were taken prisoners wished to be placed among the Vestal Virgins, binding themselves to perpetual chastity, and had recourse to death as the last refuge of their virtue when their request was refused. That hardy tribes, nurtured and encouraged by such women, should subdue a people, however rich in numbers, wealth and ancient reputation, after discipline had faded, corruption become general, and the female character shorn of its dignity ceased to exercise moral influence, or even to procure respect, cannot be a matter of surprise. But it is curious to mark how, as the feudal system arose out of the turbid waves of northern conquest, woman not only preserved her ancient purity and influence, but brightened into a being more elevated and refined than she had ever been in the world's early history; and secure, at last, of her own just rights and natural station, shed over hundreds of thousands of mailed warriors an influence the most salutary and benign.

As polygamy was unknown to the manners of the northern tribes, so was it repudiated and condemned in the countries which they conquered; and when this sentiment became strengthened and confirmed by the spread of Christianity, women began, by their plastic power, to soften and refine the rude men and ruder manners of that barbarous age. War was still, if we except a few Italian and German cities, the great business of life; and though the sex were neither sufficiently powerful, nor perhaps sufficiently enlightened, to subdue this warlike spirit, with which their very natures were imbued, and with the triumphs and pageantries of which their childish footsteps were surrounded, still, while they urged their husbands and lovers, as the Spartan, the Roman,

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and Teutonic maids and matrons had done, to fight bravely for their country, and seek glory in the tented field, they inspired them with sentiments in which courage was singularly blended with poetry and religion ; with a repugnance to mere savage warfare ; a love of mercy, a high sense of honour, respect for the plighted word, and veneration for the name of woman ; until the beautiful laws and graceful embellishments of chivalry were introduced, to mitigate the horrors and hide the deformity of never-ending war. If the temple of Janus was rarely shut, its portal was hung with flowers.

"Chivalry," says Mills, "held out the heart-stirring hope that beauty was the reward of bravery. A valiant but landless knight was often hailed by the whole martial fraternity of his country as worthy the hand of a noble heiress, and the King could not, in every case, bestow her on some minion of his court. Woman was sustained in her proud elevation by the virtues which chivalry required of her ; and man paid homage to her mind as well as to her beauty. She was not the mere object of pleasure, taken up or thrown aside as passion or caprice suggested, but being the fountain of honour, her image was always blended with the fairest visions of his fancy, and the respectful consideration which she therefore met with, showed she was not an unworthy awarder of fame. Fixed by the gallant warriors of chivalry in a nobler station than that which had been assigned to her by the polite nations of antiquity, all the graceful qualities of her nature blossomed into beauty, and the chastening influence of feminine gentleness and tenderness was, for the first time in his history, experienced by man."

I might entertain you for hours with the personal achievements and adventures of females, gleaned from the poets and chroniclers of the Middle Ages ; for it was no uncommon thing for ladies of peerless beauty and of the highest rank, favoured by the quaint disguises and courteous usages of the time, to clothe themselves in armour, break a lance in the lists, draw their swords in the cause of the oppressed, or set an example by their courage and humanity, in the more extended scenes of general warfare, of those qualities that as a class they encouraged, and which by both sexes were so highly prized.

The victory of the English over the Scotch at Neville's Cross is mainly attributed to the spirited demeanour of Philippa, wife of Edward the Third, who, in a perilous moment, when the King, her husband, was far away, and the fate of England in her hands, rode through the ranks, and by her exhortations and promises, nerved the hearts of her yeomen and chivalry for the struggles of a great occasion. From the history of Scotland I might borrow the details of that memorable siege sustained by Black Agnes, the lady of the Earl of March, in the castle of Dunbar, which she defended against the bravest warriors of England, beating them back from her walls, and mocking them with bitter jests. And the varied adventures of the heroic Countess of Mountfort, of whom it was said by Froissart, that "she had the courage of a man and the heart of a lion," would, had we time for them, afford a striking

illustration. Her noble defence of Brittany against the whole power of France; her pathetic appeal to her soldiers, holding her infant son in her arms, from which the Austrian Queen at a later period may have borrowed in addressing the estates of Hungary; her able dispositions, her gallant sortie, her heroic constancy, and above all, her spirited bearing upon that element so potent in subduing both sexes, when attacked by the Spanish fleet on her passage to England; indeed every incident of her astonishing career, had we leisure to trace them, would show the immense influence which females must have had, in bracing the spirits of men, and prompting to those deeds of almost superhuman valour and address that distinguished the Middle Age; and which, amidst more tranquil scenes, we often contemplate with a strange mixture of wonder and unbelief. "In the Crusades," says the author from whom I have repeatedly borrowed, "parties of fair and noble women accompanied the chivalry of Europe to the Holy Land, charming the seas to give them gentle pass, and binding up the wounds of husbands and brothers after a well-foughten field with the bold Mussulman. Sometimes they wielded the flaming brand themselves, and the Second Crusade in particular was distinguished by a troop of ladies, harnessed in armour of price, and mounted on goodly steeds." Such of my fair hearers as have read Tasso's "Jerusalem Delivered," and Scott's "Count Robert of Paris," will readily understand how the influence of these acts and sacrifices would be blazoned and reproduced by men of genius and imagination—the troubadours and novelists of the period—until courage became instinctive, and the man was despised who did not possess those qualities for which woman herself was so distinguished.

I must confess, however, that I admire less those voluntary exhibitions of courage in the field, than the more delightful, because softer, more natural, more feminine influences which the females of the feudal times exercised, from the privacy of home, on the manners and spirit of the age. What a splendid light is thrown upon these by the answer of the French hero, Du Guesclin, when our Edward demanded how he could pay the immense ransom which he himself had fixed. "I know a hundred knights of Brittany," said he, "who would sell their possessions for my liberation; and there is not a woman sitting at her distaff in France, who would not labour with her own hands to redeem me from yours."

But while the women inspired the men with courage and prompted the spirit of adventure, courtesy and humanity were enforced by their noble examples and gentle ministrations. "In the wars of the Guelphs and Ghibellines, the Emperor Conrad, as an offended sovereign, had refused all terms of capitulation to the garrison of Winnisberg; but as a courteous knight, he permitted the women to depart with such of their precious effects as they themselves could transport. The gates of the town were thrown open, and a long procession of matrons, each bearing a husband, or a father, or a brother, on her shoulders, passed in safety through the applauding camp." The knight who was stained with crime; who was false to his religion, his country, or his

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friend ; who took an unchivalric advantage, or broke his plighted faith, won no word of woman's praise, no favour in her bower.

By such sweet influences, aiding and strengthening the benign precepts of Christianity, continents that were once savage and unlettered have become civilized and refined. The spirit of peace, sustained by the experience of all history, has spread her wings above the nations ; war is no longer esteemed as an amusement, and, except when waged in defence of some great principle of civil or religious liberty, scarcely tolerated as an occupation. The industry, the skill, the genius of mankind, have been turned into different channels. Nations seek renown by the cultivation of the arts of peace, the creation of just laws and noble institutions ; and those who, under a different dispensation, would have been first in the lists and foremost in the tented field, seek, in the higher regions of intellectual achievement, a more useful and durable renown. And it is delightful to reflect, nay, to feel, that the encouraging efforts of that being who formerly sent man forth to battle with the infidel, now lures him on in his warfare with ignorance and prejudice ; that the greenest laurel earned in the paths of peace, won by the triumphs of the mind, is that which drops from woman's hand, freshened by her tears, or hallowed by her sweetest smile.

In the mighty revolutions by which these astonishing results have been produced, woman has had her part, and is entitled to her share of praise. If, as I believe, the diffusion of Christianity be at the root of all these political and social ameliorations ; that they spring up, as natural consequences, from the divine spirit of justice and of love, which an Almighty mind has breathed into the Scriptures, let it not be forgotten that females were "last at the cross and earliest at the tomb" ; and that throughout those long ages of persecution, in which the humane and devout Christian had to struggle for his rights and his opinions,—whether with the infidel, or with those misguided zealots who, naming the name of Christ, and professing, under various titles, to be His followers, regarded persecution as a duty,—let it, I say, be remembered, that in almost every one of those scenes of religious suffering, some Sophronia or Columba has nerved the hearts of men by her fortitude and sealed her convictions with her blood.

The cause of civil liberty also, in every quarter of the globe, has been as largely indebted to the operation of female influence. Woman's tenderness of heart makes her the natural enemy of the oppressor, the soother and inspirer of the oppressed. In those exciting epochs of modern history which are emphatically said to have "tried men's souls,"—whether in the British Isles, France, Poland, Switzerland, Italy or Spain, not only have women exercised, well and wisely, through the varied channels of social life, an encouraging and salutary influence, but have often set an example of heroism and self-devotion, which has thrilled through the hearts of a whole people, and challenged the admiration of a world. A Joan of Arc has never been wanting to deliver a kingdom ; a Charlotte Corday to poniard a tyrant ; an Augustina to save a city, or a Lady

Russell to grace the last hours of a patriot's life, by tenderness and elevation of soul.

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Of the blessings secured by these trials and sacrifices, we are admitted to a full participation ; while the art, the science, and the literature, every department of which has been enriched by the Mores, the Barbaulds, the Porters, the Montagus, the Martineaus, the Somervilles, the Hemans, and a long line of amiable women of talent, have descended to us with our language, and comprise by no means the least valuable portion of the high privileges and intellectual treasures which we inherit from our fatherland. And it is for us to consider ; it is for you, ladies, especially, to reflect how you can best pay to posterity what you owe to the genius and spirit of the past.

Pardon me if I conclude this paper by reminding you, that, to a great extent, you have the destinies of Nova Scotia in your hands. And let me conjure you never to undervalue the character of your own influence or the extent of your moral obligations. Look at the little Province which, small as it is, some of us are proud to call our own ; its narrow boundaries, girded by the seas, and surrounded on every side by extensive, populous, and powerful states. What resources has such a country to sustain her against the gigantic influences with which she must hourly contend ? None, but the character, the intelligence, the energy and self-devotion of her people. Let it be your constant aim, your study, your pride, my countrywomen, to cultivate these qualities, and to inspire your brothers, husbands, lovers, and children with the sentiments from which they spring. Without throwing aside the modest deportment of the sex, without stepping over the bounds of masculine thought and occupation, without neglecting those household cares and feminine accomplishments, for the want of which no public service could atone, let a regard for your country's welfare, its reputation, its prosperity, be ever present to your minds ; and let some portion of your time, and the whole weight of your moral influence, bear steadily on the means of its improvement.

A Nova Scotian matron need not, as the Spartan or Roman did, urge her husband on to battle and conquest, because "a change has come over the spirit of the world's dreams" ; but she may show him, that, as these states were preserved, enlarged, and rendered illustrious by discipline and valour, so must ours be strengthened and elevated by an assiduous cultivation of the arts of peace. If he complains that our boundaries are contracted, let her tell him, that, with industry and good husbandry, there is land enough to support millions of men ; and that, if this were exhausted, the whole world is the freehold of a commercial people—the seas but the highroads which conduct to their domains. Let her remind him, that a country possessed of science and enterprise can multiply physical power as she will ; that, if she be but rich in intellect, in creative genius and steady application, she may strengthen herself indefinitely with nerves of iron, and muscles of steam, and condense the energy and productive power of myriads within the compass of a few miles.

The Nova Scotian mother, too, may do her part, while the graceful forms

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of childhood glide around her knees, and the ductile elements of the youthful mind are forming beneath her eye; she may inculcate not only the ordinary principles of morals, but those lessons of public virtue—applicable to the situation of the country and the probable duties of life—which, like bread cast upon the waters, will come back to her, in pride and admiration, after many days. There is a younger class, whose influence is chiefly felt in that opening dawn of manhood, when the heart is most susceptible of impressions, when the good and evil principles may be said to struggle most fiercely for the mastery over our nature; and when a word, a glance, a noble sentiment uttered on a summer eve, may turn the scale in favour of public spirit and honourable ambition; and if my young friends knew how powerful is their influence at that age, and on such occasions, they would not fail to smile away the sloth, the senseless and besotted pride, the inveterate idleness and inanity of mind, by which too many of our young men are beset, and which rarely fails to ripen into grovelling vice and ruinous dissipation. Beauty, leading youth to the shrine of public virtue, is no fable in the world's history, and there is no reason why in Nova Scotia it may not be amply realized. Let them teach the idlers and triflers of our sex, that our country has neither hands nor minds to spare; that their favours are to be won by public service, by conquests in the regions of mind; by trophies won in the ranks of patriotism, literature, science and art; by what the poet beautifully styles "those glorious labours which embellish life." Nor need my fair friends trust to personal charms alone to sustain this influence; without any dereliction of domestic duty, without sacrificing one feminine grace, one modest attraction, they may go before their brothers, friends and lovers—as some of them have already done—into those delightful regions. Science and history will disclose to them rich sources of illustration; and the pen and the pencil become eloquent when other fascinations fail.

Be it yours, then, ladies, now that the times have changed, to win, with these gentler weapons—as the martial heroines of the Middle Ages did with lance and sword—a right to stimulate and reproach the other sex where they fall short of the requirements of patriotism and ambition; and, as they led the way to rescue the sepulchre of our Lord from the infidel, lead you the way to vindicate those admirable precepts and principles of justice, toleration, and truth which He left for our direction, but which, by the corruption and weakness of our nature, are so frequently sullied and profaned. And believe me, that while you thus wander in the "pleasant ways of wisdom," general admiration and a deathless name are not beyond your reach; for even the deeds of Jean of Mountfort, as they did less good, shall fade from the world's memory before Mrs. Hemans' moral songs.

I do not ask you to put on an affectation of art, destructive of the freshness of nature. I seek not to entice you from the gentle thoughts and appropriate occupations of home; but, as the Greek and the Roman caught the spirit which led him on to victory and renown, amidst the relaxations and delights of

social intercourse, so would I have my youthful countrymen catch from your enthusiasm the energy and determination of which Nova Scotia stands so much in need. I would make beauty's flashing eye and encouraging smile at once the beacon and reward of public virtue and honourable exertion. I would have woman breathe around her an atmosphere in which idleness, ignorance and selfishness could not for an hour exist; but in which science and literature, high thoughts and honourable enterprises, would blossom and flourish till they overspread the land. Not choking the domestic affections, or curbing the rational pleasures and enjoyments of life; but giving to them a dignity, a grace, a charm, in the highest degree attractive, while they result in an abundant measure of collective reputation and improvement.

Could I but see these sentiments diffused throughout the land, generally appreciated and acted upon by the females of Nova Scotia, I should laugh to scorn every sentiment of despondency and alarm. The present would be viewed with satisfaction; the future bounded by hope. Though the existing race of men might be ignorant or indifferent, I should know that another was springing up, which, from the cradle to the tomb, would be subjected to a training and an influence the most admirable and inspiring; and which must ultimately rival the boast of the Athenian, by converting a small province into a powerful and illustrious state.

The House of Assembly was dissolved by proclamation on November 2nd, 1836. It had not in Mr. Howe's opinion realised the expectations created in the public mind during the debates on the Brandy question, and had utterly failed to effect any organic changes in the structure of the Council or any improvements in the mode of administration, which he and many others ardently desired. On June 16th, at a meeting of the freeholders at Middle Musquodoboit, Joseph Howe and William Annand were designated as the candidates of the Reform party, and Mr. Howe made a speech accepting the nomination. On November 24th he published in *The Nova Scotian* his letter to the freeholders of the county of Halifax.¹ The elections took place in December. Elections under the old law were not, as they are now, held simultaneously and determined in one day. An election for the county of Halifax lasted a fortnight. The candidates addressed the electors every morning and evening if they chose, and as often during the day as occasions arose out of the struggles of party. The Reform candidates were both elected, Mr. Howe's majority being upwards of one thousand votes.

From the speeches delivered during this election it is easy to

¹ The conditions upon which he agreed to run, as disclosed in this letter, are interesting.

gather the reasons which induced Mr. Howe to go into the Legislature. We give a single extract from his speech of December 5th:

But, it may be asked, what are these liberal opinions? What are you all contending about? I will tell you. As respects this town, we ask for a system of responsible government—such an administration of our municipal affairs as will give to the lower and middle classes that influence in society to which they are entitled, and place all the officers who collect and expend the people's money under the people's control. Every complaint that has been hitherto made has been answered by an obnoxious appointment or an increase of expense. The grand jury turned out the clerk of the license because he did not keep his accounts correctly. What was the result? Most of you know that a new one was appointed and the fees of the office were doubled; but some of you may not know that the law was so altered as to make what was an annual office a freehold for life, giving the grand jury power to appoint a new officer only when the situation became vacant.

As respects the general concerns of the Province, we ask for those free institutions which, while they truly reflect the feelings of the people, shall best promote the happiness and prosperity of the country. The British laws are modified to suit the condition of the colonies and we see no reason why British institutions should not be, in like manner, adapted to our situation. We are not such fools as to believe that the glory and the value of the British Constitution are to be found in the mace which lies on the table of the Commons or the woosack on which the Lord Chancellor sits; we know that its great corner-stone is responsibility to the people. In England, one vote of the people's representatives turns out a ministry and a new one comes in, which is compelled to shape its policy by the views and wishes of the majority. Here, we may record five hundred votes against our ministry and yet they sit unmoved, reproducing themselves from their own friends and connections and from a narrow party in the country, who, though opposed to the people, have a monopoly of influence and patronage. The sheriff admonishes me to be brief as we have much work to do. I will not trespass much longer on your time. But, gentlemen, in England the people can breathe the breath of life into their government whenever they please; in this country, the government is like an ancient Egyptian mummy, wrapped up in narrow and antique prejudices—dead and inanimate, but yet likely to last for ever. We are desirous of a change, not such as shall divide us from our brethren across the water, but which will ensure to us what they enjoy.

Gentlemen, all we ask is for what exists at home—a system of responsibility to the people, extending through all the departments supported at the public expense.

In his speech delivered at the close of the poll at Halifax, there is

one of those outbursts of filial tenderness to which reference has already been made: CHAP. III

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Gentlemen, I will not detain you longer. Allow me to say in conclusion, that I have been proud and happy to see not only those friends come here to vote for me on this occasion who agree with me in political sentiment, but hundreds of those who have known me from a child, many of whom were my school-fellows or associates in the sports of boyhood, and whose familiar faces reminded me of many a joyous scene. Those who have known me best and longest have been foremost in their expressions of confidence and esteem. I sincerely thank them and shall endeavour so to conduct myself as still to preserve their friendship. Gentlemen, I was taught by the venerable being who has passed away, to respect my fellow-creatures, and endeavour to do them good. I hope I have not forgotten and never shall forget, the lesson. Pardon me, if, in this moment of triumph—overcome by my feelings—I am but a child. In those scenes of intellectual contention which await me—in those struggles for your rights and interests which are yet to come, I will, by the blessing of God, endeavour to be a man.

CHAPTER IV

1837

Resolution respecting chaplain—Resolution on opening proceedings of Council to public—Mr. Howe's speech thereon—Speech on Quadrennial Bill in reply to Mr. Stewart—The Twelve Resolutions—Mr. Howe's speech thereon in reply to Mr. Wilkins—Speech on elective Councils—Council's message—Speech on English parties in reply to Mr. Wilkins—Speech on old Council of Twelve—Address to the Crown—Lord Glenelg's despatches—Governor disregards them.

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To secure representative municipal government for his native city, and responsible government for his native province, were the openly avowed objects which induced Mr. Howe to enter the Legislature. He was not tardy in commencing his work. The members were sworn in on the 31st of January 1837, and on the motion to appoint a chaplain, Mr. Howe took occasion to claim for all religious denominations and creeds that perfect equality which has been since so universally recognized and firmly established in every part of British America. The doctrine propounded, however, sounded strangely in the ears of a great many people in 1837. Its general scope and tenor may be gathered from this, the first resolution ever moved by Mr. Howe in the House of Assembly:

Resolved, That, representing the whole Province, peopled by various denominations of Christians, this House recognizes no religious distinctions, and is bound to extend not only equal justice, but equal courtesy, to all.

Up to this period, the Legislative Council, which was also the Executive, sat with closed doors throughout the session. This practice, ridiculed and complained of for years, had survived the sharpest collisions of "the Brandy dispute," and had been left unreformed by the last House. The attention of the new one was called to it without delay. The routine business of the opening day having been despatched, Mr. Lawrence O'Connor Doyle moved, and Mr. Howe seconded, these resolutions:—

Resolved, That the practice hitherto pursued by His Majesty's Legislative Council in this Province, of excluding the people from their deliberations, is not only at variance with that of the House of Lords in England and that of several of the Legislative Councils in the other British North American colonies, but contrary to the spirit of the British Constitution, and injurious to the interests and liberties of this country.

Resolved, That while this House has no desire to deny to the upper branch of the Legislature the right enjoyed by the representatives of the people and sanctioned by public opinion, of closing their doors during the discussion of questions of order and privilege, and on particular occasions when the public interest may require secret deliberation, yet they should fail in their duty if they did not express to His Majesty's Council the deliberate conviction of those they represent, that the system of invariable exclusion, pursued for a series of years, and still pertinaciously continued, is fraught with much evil and has a tendency to foster suspicion and distrust.

Resolved, That this House is prepared to provide the expenses which may be incurred for the accommodation of the public in the Legislative Council chamber.

Resolved, That the clerk do carry these resolutions to the Council, and request their concurrence.

Mr. Doyle's speech on the occasion was spirited and to the point. Mr. Howe, speaking to the resolutions on January 31st, said :

I trust that all the members approach the subject with the same spirit as myself. We have been sent here to do the public business, not to insult the members of the Council, and I cannot conceive that our actions can be misinterpreted. From one end of the country to the other, the people are indignant at the idea of one branch of the Legislature sitting in secret conclave to transact the public business. It is an insult to the people; and in England, the House of Lords, with all their high rank and hereditary privileges, do not dare to shut out the people from their deliberations. It may be said that this is a mere matter of speculation, and that opening the doors would be productive of no benefit; but if good results to us from the publicity of our deliberations, what is to prevent the same cause from having the same effect in the other end of the building? At some other time it may be necessary to consider the structure of that body—to dissect it, and show the country its unfitness for the purposes of a Legislative Assembly. But that is not the question now. I ask, if the House will go on year after year, allowing one branch of the Legislature to close its doors to the people? Were the courts of justice to be shut up, I fear, from the natural infirmity of the human mind and the dangerous effects of secrecy, that those men who now discharge their duties upon the bench with honour and integrity, would be apt, when the public eye was removed, to become corrupt and unfit for their offices. I ask, if it is necessary to keep

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upon the Lower House, chosen as it is freely by the people, the salutary and wholesome check of the public eye, shall it be said that that check is less necessary to a body influenced chiefly by placemen, whom the people can neither appoint nor remove? Why should the people of Lower Canada enjoy a privilege of which we are deprived? Why should the little island of Prince Edward, and Newfoundland with its newly constituted Legislature, be more favoured than we? I would feel myself guilty of a neglect of duty if I failed to bring the matter before the House; but while the measure is a necessary one, it is proper to bring to it the best temper and spirit, and it will be perceived that the words of the resolutions are particularly respectful.

These resolutions, slightly amended, were passed unanimously, and sent to the Council. On the 4th of February they were answered. "His Majesty's Council," as it used to be called, denied the right of the House to comment on its modes of procedure. Whether their deliberations were open or secret was their concern and theirs only. The subject had been under consideration, and they would consider of it again. Taunts were added to open defiance, and both Houses were thus fairly committed to a contest which was destined to take a wide range, embrace an extensive field of discussion, and engross public attention for a series of years.

Early in the session, a bill was introduced by Mr. Doyle for reducing the duration of Parliament from seven years to four. Animated debates arose upon this measure. Mr. Howe's part in them was sufficiently conspicuous. He supported the bill. Mr. Alexander Stewart, who opposed it and who resented Mr. Howe's newspaper criticisms upon the conduct of the last House, attacked him with great bitterness and severity, and challenged him to a discussion of the points involved and to a defence of his opinions elsewhere expressed. Mr. Howe had sat upon the red benches but four days. He was altogether unpractised and unknown as a parliamentary debater; and when one of the ablest and most experienced leaders of the Assembly—having hurled at his head sarcasm, argument and defiance—sat down, every eye was turned to the new member for Halifax, and a good many of his warm friends were doubtful of his ability to bear the shock. In the court and on the hustings he had astonished everybody; but the Assembly was a different scene. He might or might not be able to hold his own with half-a-dozen skilful and able debaters sitting around him, ready to search every joint in his armour. It was felt that much in his future career depended upon his ability to bear that shock. As Mr. Stewart sat down, Mr. Howe rose and, without a moment for reflection or preparation,

accepted the challenge, and hurled back upon him argument and sarcasm, with the nerve and boldness of a person very unlikely to be intimidated and with the fluency of a practised debater. From that moment, Mr. Howe might be said to have won his footing in the new House, and before the close of the session he was the acknowledged leader of the popular majority. This speech, delivered on February 4th, is here given, not because there is anything very remarkable in it, but because it marks a period in his public life and mental development to which his friends attach some interest :

I am at all times anxious not to tire the House with much talking ; I know from experience that members are not inclined to waste time in listening to speeches not bearing on the question, or calculated to facilitate the business before the House. I have studiously refrained in this Assembly from making charges upon those that preceded it. My opinions as respects their measures, I have elsewhere freely expressed ;—for those opinions I am of course responsible ;—but, I presume that I can only be called upon here to defend what I may say and do as a member of the House. As, however, the learned and honourable member from Cumberland has thought proper to challenge those who have elsewhere arraigned the conduct of the last House, and called upon them emphatically to meet him, and put their vague charges into shape and form, I, as one of those, am ready to accept his challenge and to point him to some of the reasons which induced me to find fault,—which created dissatisfaction in the country—and which, I believe, earned for that body a reputation that I trust the present House will endeavour to avoid.

I will not go into an elaborate review of all the measures of that Assembly ; but the learned gentleman will permit me to turn his attention to one of their earliest acts—to remind him that while yet fresh from the hustings, with popular professions and sentiments of patriotism on their lips, one of the first things they did was to increase their own pay. Was not this a measure calculated to arouse suspicion ? to excite the people's fears ? And though in itself perhaps a trifle, was it not a pretty decided indication of the spirit and leanings of that Assembly ? One of the next things they did was to double their Speaker's salary. The learned gentleman will perhaps also allow me to remind him of the commutation of the quit rents—that ridiculous arrangement by which £2000 per annum were taken from the resources of the country to swell the casual revenues, by which the only chance for reducing our enormous salaries and making a satisfactory adjustment of the Civil List, likely to occur for years, was lost to the Province, and the hands of those, already too powerful for mischief, were thereby strengthened. These are some of the things which that House did ; allow me to turn to some others which it neglected, and which this one has as yet shown no disposition to neglect, and I trust may yet accomplish. The learned member has talked in a sneering tone of what

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this House has already done. What has been done will be acceptable to the country as at least a pledge that it intends to do much more. It has already recorded its opinion of the right of all religious denominations to perfect equality; it has abolished one invidious distinction; and I trust it will follow up that measure with another, which will drive the Bishop from the other branch of the Legislature. The members of this House are the representatives of the people, composed of every religious creed, and it is their duty to see that no particular and favoured Church has its representative, as a matter of exclusive right, at the Council board.

The learned member from Cumberland is fearful that the Quadrennial Bill is calculated to destroy the influence of this House upon the other branches; but I will ask him if the last septennial Assembly took any effectual steps to diminish the powers of His Majesty's Council? Did they ask for the removal of the Bishop? Did they not leave the Chief-Justice to preside over that board—to mingle in the strife of politics, and by his influence over the courts and the bar, to foster and maintain a narrow and illiberal party in the country, opposed to measures of reform and the just claims and acknowledged interests of the people? I trust that this Assembly will endeavour, as far as possible, to draw a broad line of demarcation, separating the judiciary from politics, and for one I am free to declare that I will never rest until the Chief-Justice is removed from the Council. I will ask the learned gentleman if the last House attempted anything effectual to satisfy the general wish of the country by improving the structure of that branch? Does he consider that body, as now constituted, such a one as ought to exist, to pass upon the measures of this House, and despatch the business of the Province? He knows that members of that body are called upon in one capacity to make the laws, in another to administer them, and in a third to advise the Executive as to their execution. Such a combination of powers is at variance with the principles of the British Constitution; and if it be true, as has been pretended, that the abridgment of the period to four years will fail to weaken their influence, I have little doubt that letting the public eye range over their deliberations will create a salutary check upon their conduct. But this House will fall short of its duty if it stops here;—it should endeavour to have a reconstruction of that body.

Having shown the learned and honourable gentleman, in answer to his defiance, my opinions of some of the acts and omissions of the past House, I will not occupy time longer with that subject. I support the present bill because I believe it will improve the character and increase the power of the popular branch, and because I am satisfied it will be acceptable to the people. It will give them more frequent opportunities of reviewing the conduct, and rewarding the faithfulness or punishing the neglect of members, and therefore I know that it must be practically useful. I will not libel the character of the constituency of the country by attributing, as some gentlemen have done, the results of the last election to mere accident. Here and there some local com-

binations, or some improper influence may have been brought to bear upon particular contests; but the electors in general knew well what they were about. I said on a former day that I was desirous of coupling this measure with the vote by ballot, but was afraid of endangering one good principle by seeking too much in the same bill. Yet I should have been ashamed to allow this to pass without giving fair notice of my intentions to bring the other forward at a future time. The honourable and learned gentleman from Cumberland has asked, if four years be good why will not one be better? If that gentleman's coat would wear well for four years, where would be the necessity for getting a new one every spring? But if it would not last seven, why should he wear it for three years after it became shabby and defaced?

The learned and honourable gentleman from *Juste-au-Corps* has stated that he is opposed to the ballot; that he is only for a safe and moderate reform; and that he fears to introduce any new principle that has not been sanctioned by the practice of the mother country. For my part, I cannot altogether agree with him. I have not that pious horror of innovation with which some gentlemen are imbued. I do not think that the colonial legislatures should always shrink from the adoption of a sound principle till the Imperial Parliament sets them the example. Would the learned gentleman neglect to shingle his house till some wealthy neighbour over the way put his in a state of repair? I admit that innovations should not be hastily pressed in any country. I will not advise pulling down and changing merely for amusement; but am anxious that this House should, without reference to what may be done in other countries, or said across the water, ascertain where the shoe pinches *us*, and having done so, with a firm hand remove the evil. As regards the necessity for annual elections which learned gentlemen have urged, I am well aware that there are stratagems in politics as well as in war; and that when it is found impossible to break down a measure by fair argument, its opponents sometimes try so to extend the principle as to alarm the fears of those who seek only for rational reform. I am prepared to vote against the learned gentlemen; I will try the experiment of four years, and trust it will have a beneficial effect upon the legislation of the Province. References have been made to the law preventing the dissolution of the House on the demise of the King. I approved of that law. In England there are sound reasons for a dissolution; a new ministry comes in as a matter of course. But what effect has the death of a dozen kings on the public affairs of Nova Scotia? They may pass away as rapidly as Banquo's ghosts vanish from the stage, without producing any sensible influence here. To follow out the principle fairly, the House of Assembly ought to be dissolved every time the colonial ministers are changed (and they are changed often enough, Heaven knows), for they are the real colonial kings.

I was not desirous, Mr. Chairman, to go back to former Houses of Assembly, or to pass any censure here, whatever I may have done elsewhere, upon their measures, but have been drawn into it by what was said by others. I have

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looked a little into the proceedings of former Assemblies ; and so far as I am concerned, I am desirous to make the legislation of this House as little like theirs as possible.

During the week which followed the delivery of the Council's Message, there was much mirth and evident triumph in the Executive circles ; much anxiety and deep indignation were plainly visible in the ranks of the Opposition. Two modes were suggested by which the crisis might be met. Mr. John Young moved two resolutions on the 11th of February, which were designed to be conciliatory, and to prevent open collision with the Council, while, at the same time, they expressed, in firm but respectful language, the views which the House entertained upon the single question under discussion. Had these resolutions been adopted, the new House, like the old, would have yielded under the pressure of His Majesty's Council, and all hope of improvement, either in the constitution of the country or in its modes of administration, would have been indefinitely postponed. Mr. Howe saw this clearly, and determined at once to grapple with the Executive and lay bare the abuses which had accumulated under the old system of government. He moved on the same day, in amendment of those offered by Mr. Young, twelve resolutions, and explained and enforced the necessity for adopting them in a speech which occupied an hour and a half. The resolutions startled His Majesty's Council, but gave general satisfaction to the country. We reprint them, with the speech in which they were explained :

1. *Resolved*, That a committee be appointed to draw up an address to His Majesty to embrace the substance of the following resolutions :

2. *Resolved*, That in the infancy of this colony its whole government was necessarily vested in a Governor and Council ; and even after a Representative Assembly was granted, the practice of choosing Members of Council exclusively from among the heads of departments, and persons resident in the capital, was still pursued ; and, with a single exception, has been continued down to the present time. That the practical effects of this system have been in the highest degree injurious to the best interests of the country ; inasmuch as one entire branch of the Legislature has generally been composed of men who, from the want of local knowledge and experience, were not qualified to decide upon the wants or just claims of distant portions of the Province, by which the efforts of the representative branch were, in many instances, neutralized or rendered of no avail ; and of others, who had a direct interest in thwarting the views of the Assembly, whenever it attempted to carry economy and improvement into the departments under their control.

3. *Resolved*, That among the many proofs that might be adduced of the evils arising from this imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the outports the advantages of foreign trade; to the enormous sum which it was compelled, after a long struggle, to resign for the support of the customs establishment; to the difficulties thrown in the way of a just and liberal system of education; and to the recent abortive attempts to abolish the illegal and unnecessary fees taken by the judges of the supreme court.

4. *Resolved*, That while the population of this Province is composed, as appears by the last census, taken in 1827, of twenty-eight thousand six hundred and fifty-nine members of the Episcopal Church, and one hundred and fifteen thousand one hundred and ninety-five Dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council are always studiously arranged so as to secure to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at the board. That there are now in that body eight members representing the Church; that the Presbyterians, who outnumber them by about nine thousand, have but three; the Catholics, who are nearly equal, have but one; while the Baptists, amounting by the census of 1827, to nineteen thousand seven hundred and ninety, and the Methodists to nine thousand four hundred and ninety-eight, and all the other sects and denominations, are entirely unrepresented, and shut out from influence in a body whose duty it is to legislate for all.

5. *Resolved*, That while the Catholic Bishop has no seat at the Council board, and while clergymen of all other denominations are, as they ought to be, carefully excluded, the Bishop of the Episcopal Church always has been, and still is a member.

6. *Resolved*, That while Dissenters, as they have a right to, justly complain of a state of things so exclusive and insulting, they would regard its continuance with more indifference, if it did not lead to a general and injurious system of favouritism and monopoly, extending throughout almost every department of the public service over which the local government have control; thereby vesting in the hands of a part of the population the resources arising from the industry of the whole, and creating invidious distinctions and jealous discontent in the minds of large numbers of His Majesty's loyal subjects.

7. *Resolved*, That two family connections embrace five members of the Council; that, until very recently, when two of them retired from the firm, five others were copartners in one mercantile concern; and to this circumstance may be attributed the failure of the efforts of this Assembly to fix a standard of value, and establish a sound currency in the Province.

8. *Resolved*, That the Assembly of this Province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines. But this

House regrets that hitherto their efforts to obtain justice in this respect have been unsuccessful. The lands of the Province are, in effect, mortgaged to pay to the Commissioner a salary out of all proportion to the services he is called on to perform ; while all the mines and minerals of the Province have been leased for sixty years to a wealthy English company, without the consent of and independent of all control by the representatives of the people.

9. *Resolved*, That apart from the mere question of judges' fees, which this House has pronounced, and still believes to be, unconstitutional and illegal, the presence of the Chief-Justice at the Council board is unwise and injurious, having a tendency to lessen the respect which the people ought to feel for the courts over which he presides. From the warm interest he has always manifested in public questions, and particularly in some of those in which the Representative branch and His Majesty's Council have been diametrically opposed, and from the influence which his position gives him over a numerous bar, he has generally been regarded as the head of a political party ; and frequently been brought into violent conflict with a people imbued with the truly British idea, that judges ought not to mingle in the heats and contentions of politics.

10. *Resolved*, That the evils arising from the structure of His Majesty's Council, and the disposition evinced by some of its members to protect their own interests and emoluments at the expense of the public, are heightened and rendered more injurious by the unconstitutional and insulting practice, still "pertinaciously adhered to" by that body, of shutting out the people from their deliberations. This practice they maintain, although it is opposed to that of the House of Lords in England and that of the Legislative Councils of Lower Canada, New Brunswick, Prince Edward Island, and Newfoundland ; and notwithstanding the murmurs and complaints of the people for a long series of years, and the repeated representations and remonstrances of this Assembly.

11. *Resolved*, That while the House has a due reverence for British institutions, and a desire to preserve to themselves and their children the advantages of that Constitution, under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that Constitution—the genius of those institutions—is complete responsibility to the people, by whose resources and for whose benefit they are maintained. But sad experience has taught them that, in this colony, the people and their representatives are powerless, exercising upon the local government very little influence, and possessing no effectual control. In England, the people, by one vote of their representatives, can change the ministry, and alter any course of policy injurious to their interests ; here, the ministry are His Majesty's Council, combining Legislative, Judicial, and Executive powers, holding their seats for life, and treating with contempt or indifference

the wishes of the people, and the representations of the Commons. In England, the representative branch can compel a redress of grievances, by withholding the supplies; here, they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under Imperial Acts, a stoppage of supplies, while it inflicted great injury upon the country, by leaving the roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few of the subordinate officers of the Government.

12. *Resolved*, That, as a remedy for these grievances, His Majesty be implored to take such steps, either by granting an elective Legislative Council, or by such other reconstruction of the Local government as will ensure responsibility to the Commons, and confer upon the people of this Province, what they value above all other possessions, the blessings of the British Constitution.

Mr. HOWE then rose and spoke to the following effect :

I wish, Mr. Speaker, either that I had the abilities, the eloquence, and the logical mind of the honourable gentleman from the county of Sydney,¹ or that he had taken the same views that I do of the present question. Or, sir, I wish that I possessed your fine talents and graceful oratory, that on a former occasion rescued this House from the degrading position in which it was sought to be placed by His Majesty's Council; or that having to rely upon the feeble powers of my own mind, it was less clouded by sad thoughts than it is now.² The subject before us is, in itself, sufficiently serious and depressing; and I beg to assure gentlemen all around that it has been to me a source of infinite anxiety and solicitude. I feel that not only this House, but the country it represents, is placed in a position the most degrading; that we are cursed with a form of government which is not that under which we can ever hope to prosper. Some gentlemen may perhaps imagine, that I and others have sought the necessity which now forces us into this discussion, that we intended it from the outset; but I beg to assure them that nothing was further from my thoughts. I felt anxious that the doors of the Council should be opened, and intended, some time before the close of the session, to invite the attention of the House to what I conceived to be imperfections in the structure of that body; but I had no idea that the two questions would have been blended; and when my honourable and learned friend from Isle Madame consented to strike out of the resolutions the only words that could, by any possibility, be deemed offensive, I felt assured that the Council would yield to our reasonable demand, and that that branch of the subject was for ever set at rest. I knew that it

¹ John Young.

² His mother, to whom he was much attached, died on the 14th February.

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was the right and the duty of this House to represent to either branch of the Legislature the views and wishes of the people, and, as we have sent up a temperate and respectful remonstrance, one with which the Council might with a good grace comply, I hoped that there would have been an end to the matter, and that we were rid of a vexed and troublesome question. I need scarcely turn your attention to the character of the answer. If I was more than ordinarily excited when it was read, it was because I felt indignant at the treatment which the whole Province, in our persons, had received, and I appeal to the honourable and learned gentlemen who opposed those resolutions, whether the answer, read by the deputy clerk at the bar, did not make their blood boil with indignation? Sir, I know they felt as I, as all who sincerely love the country in which we live must have felt, that the people of Nova Scotia and their representatives were placed in a perilous and degraded situation, if such insults could be offered unrebuked. That while we possessed the name of Britons—that while we were accustomed to read British books, and study the British law, we were without either the spirit or the forms of liberty enjoyed by the great country to which our affections cleaved. Then it was that the conviction flashed on my mind that the time was come—earlier, it is true, than I had expected—when we would be compelled to revise our local government, and mould it to a form more consistent with the rights and liberties of the people.

Sir, when I listened to that message I could not but reflect how exalted must be the opinion entertained by those who sent it, of their own impunity and power, and how contemptible an estimate they must have formed of the dignity and privileges of this House; and, when I turned back to the numberless insults which this Assembly had received in former times, I could not but feel that the time had indeed arrived for advocating an entire reconstruction of the upper branch.

Sir, I had hoped to be able to bring this subject before the House in a manner suited to its importance, but my time and thoughts have been much occupied with other affairs. I have, however, drawn up some resolutions that embody my own views, which I shall endeavour to explain as I go along. But that gentlemen may not suppose I am anxious unnecessarily to excite their feelings—that I am not enlarging on grievances which exist only in my own imagination, I shall take the liberty of quoting your own words on an occasion similar to this; and, though I possess not your ready eloquence and clear, perspicuous mind, I trust that I feel as deeply as you did the situation in which we are placed. You, sir, on the 1st of April, 1830, characterized the Council's interference with the revenue bills as "*a new lesson of degradation to be taught to this Assembly.*" A "*new lesson*"; you, sir, and the older members of this House, know how many had gone before. "When," said the Speaker, on that occasion, "*we return to our homes, we should tell our constituents not to be deceived; that their representatives possess neither power nor influence; to address no more idle petitions to us; but to alter the address and send them to*

the other end of the building." And again, "Tell not the inhabitants of Nova Scotia that they enjoy a free government; they have it not; the voice of their representatives is outborne and rendered of no avail, when it militates in the slightest degree with the views of His Majesty's Council." Sir, what was true then, is true now; the species of insult which called for that indignant language, has but assumed another form; what you felt then, members all around feel at the present time; and, for myself, I cannot disguise the fact, that if this House submits tamely to the recent insult, nay, if it allows the body which has offered it longer to distract the peace and encumber the legislation of the country, it will be indeed degraded; and a seat upon these benches, instead of conferring an honour, will be a mark of disgrace.

I have listened with attention to the language and the resolutions of the honourable member from Sydney, and I fully appreciate the love of peace and the desire for conciliation which he has displayed. But I am sorry that I cannot support his proposition, because it neither meets the difficulties of our position, nor sustains the dignity of this House. The result would only be to induce a second insult, because if the Council are consistent, they will either hold no communication with you on the subject or send down their deputy clerk with another insulting message. With them I would, on this subject, hold no further intercourse; the ordinary business of the session must be gone through with them, that the revenue may not be lost or the country injured, but let us seek redress elsewhere; let us go at once to the foot of the throne, and ask His Majesty not only to open the doors, but to reconstruct the Council. Let this be our answer to their message. I am content that no other should be given. I am willing to let that document circulate as freely over the Province as the four winds of heaven, to have what effect it may; I know that it will be rightly estimated by the people; they will weigh it against our firm but temperate resolutions, and will not be deceived. Let us then leave it to its operation; let us be careful not to court further insult, but let us at once go to the root of the matter, and present a comprehensive address to the Crown. With this object before me, I have drawn up these resolutions, which, if they are not as perfect as they might have been, had I had more leisure for reflection and research, express my own views, and trace out the line of conduct which I trust this House will be disposed to adopt. There may be errors, but, at all events, they embody and state those grievances which press most strongly on my own mind; and I wish to go at once to the fountain-head for justice; to appeal from the Council to their master; to ask him who should be the father of his people, wherever their lots are cast, and who has no more interest in refusing his rights to a Colonist than to an Englishman, for a revision of our local government. We may bandy words with His Majesty's Council—we may send a saucy message by our deputy clerk—but to what end? At last we must resort to what I now propose, and therefore I trust that gentlemen will see the propriety of doing it at once.

[Mr. Howe then turned to the series of resolutions published in the last

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Nova Scotian, and reading that marked number one, for the appointment of a committee to draw up an address to His Majesty, and number two, referring generally to the choice of all the members of the Council from the capital, he descanted on the absurdity of selecting an entire branch of the Legislature, that was to pass upon the business of the whole country, from one particular town.] This is no new complaint; it has been constantly urged. Mr. Stewart, in March, 1833, had, in his place, declared that "besides its own representatives, Halifax had many non-resident members, and had besides *an entire branch of the Legislature, sitting in secret, and exercising a controlling influence over the Assembly.*"

Though I differ with the honourable and learned member from Cumberland in many things, I admire his fine talents, and have often listened with pleasure to his indignant denunciations on this and other subjects on which we agreed. Was there not good reason to complain on this head? I have travelled, perhaps, as much over the Province as any person of my age; but how could I pretend to represent distant counties, the highroads of which I have only ridden over once or twice, but of whose local wants and wishes I know absolutely nothing—and yet, here is an entire branch of the Legislature, almost every member of which knows comparatively less. Some persons may, sir, be surprised that being myself a resident in the town, I am anxious to do this justice to the country; they may suppose that it is the interest of those I represent to accumulate in the capital all the honours and power and patronage of the Government; but, for myself and my constituents, I disclaim any such narrow and illiberal feelings. We seek for no advantages but such as arise naturally out of our situation; we repudiate the ancient prejudice that the town and country have separate interests; we wish equal justice and a fair participation in the influence and advantages of the Government to be extended to all. And we know that it is practically absurd, that men without local knowledge and experience should have the right to legislate upon all the roads, bridges, and peculiar interests of important sections of the country, which they cannot possibly understand. For the proofs of their incompetence, their ignorance, their local prejudices, I did not think it necessary to turn to the dusty records. The impressions are too strong upon my own mind, and I appeal to the older members of this Assembly to say whether they want evidence to enable them on this resolution to come to a conclusion. We may differ as to the mode by which a new Council is to be created; some of us may be in favour of election; others may be anxious that the Governor should select them from the towns and counties; but all must agree that such a body as this ought not for a session to exist.

As to the third resolution, referring to the mode in which the influence of the Council has been brought against that of the Assembly, in reference to foreign trade, the custom house salaries, education, and the judges' fees, I quote Mr. Stewart's declaration on a former occasion, that "Some five or six years ago the Council were asked to concur with the House in a request *that*

the quit rents might be abandoned. They refused, but thought that £2000 ought to be given as a commutation; and the next thing was a proposition from the Government at home *to that effect.*" Similar language was held by Mr. Murdoch, a gentleman who was an ornament to the profession to which he belonged, and to the House while he was a member—a gentleman who, though I could not on principle support him in a recent contest, I regret is not still upon the benches. Mr. Murdoch declared in his place, that "when sent to ask the Council to join the House about the quit rents, he found that *they placed themselves in the gap* against the wishes of the House—*against the wishes and interests of the people.* In 1829 and 1830 they pursued the same course, standing aloof from this branch of the Legislature, *and throwing their weight in the opposite scale.*" Sir, this is the policy which His Majesty's Council have steadily pursued. They have invariably, upon all great questions, hung like a dead weight on the efforts of this Assembly. With the conflicting views of gentlemen who differed as to the degree of freedom in the prosecution of foreign trade it was expedient to extend to the outports, I have nothing to do;—we may differ as they did; but the question is, shall the requests and representations of a majority of this House, representing the whole Province, after grave deliberation and debate, be defeated by the secret despatches of a little knot of persons selected from a single town. In this, as in other matters, they did not truly represent the wishes of the people among whom they live. We ask for no monopoly of trade; we wish not to build up our prosperity on the ruin of other seaports; we believe that all should share in the blessings of commerce, so far as is compatible with the security of all. But, sir, while His Majesty's Council are desirous to confine all trade to this town, they have never been anxious to lighten its burdens. Did they join this House in endeavouring to remove the fees—to reduce the expenses of the customs? No; and why not? Because the collector and his friends, and the comptroller's friends, had an overpowering influence at the board, and because it was necessary to protect their interests at the expense of the public. Had that body joined this House upon this question ten years ago, at least £20,000 might have been saved to the country. Another mode by which members of the Council have sought to strengthen and extend their own power and influence, has been by monopolizing the education of the country. For many years four-fifths of the population were shut out by religious tests from the only institution at which anything like a liberal education could be procured; and to which, from its position, and the costly habits encouraged at it, but few except the sons of the councillors and great officers of the Government could be sent. To protect the interests of this institution, although of late years the tests have been removed, the most determined hostility has been displayed towards every other establishment which might interfere with its monopoly and diffuse among the mass of the people the blessings of education. Need I remind gentlemen of the inert condition of the Dalhousie College; of the long and disheartening contests, ending in the partial ruin of the Pictou

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Academy? Though I have often differed with you, Mr. Speaker, and have sometimes attacked you, I never can forget your struggles against this baneful influence, for the establishment of a cheap and liberal system of education in the country. I have often listened with delight to your indignant denunciations of that system, and, when I have felt most disposed to find fault, most anxious to assail your public character, I have felt that your efforts for education might atone for many errors. One consequence of the monopoly which this Church and Council party had for years of the higher branches of education, has been, that they have never been without the aid of some of the most brilliant and highly cultivated minds in the Assembly, which, attached to their interests and educated at the exclusive seminary at Windsor, have, with few exceptions, been their ablest and most determined defenders. But, sir, with all their efforts they could not dam up the streams of knowledge; they could not compel all our youth to pass through their narrow portals; they could not keep down the Provincial mind; and while I am happy to see upon these benches the talented graduates of Windsor, I thank God that the alumni of the fields, the workshops, and the printing offices are springing up over the length and breadth of the land, to divide the intellectual arenas with them.

[Mr. Howe then read and supported the fourth resolution, that exhibited the relative proportions in which Churchmen and Dissenters were represented in Council.] The facts which this resolution states are not to be denied; it is impossible that these things could be the result of accident. We may be told that a feeling in favour of the old Loyalists and their descendants is at the bottom of the system; but there are other motives; and, while in the Council, on the bench, in the list of sheriffs, and in almost every department and little commission upon which the influence of His Majesty's Council can be brought to bear, I find an overwhelming preponderance of Churchmen above Dissenters, I have a right to reason upon the fact, and to charge such a system upon those by whom it is upheld. I am happy, sir, that I can exempt the great body of Churchmen in this Province from any wish to perpetuate this system. I do not believe that there is among any large portion of my countrymen any desire for political preference founded on religious distinctions. They ask that all shall be free and equal in the eye of the government and the law; and Churchmen, as well as Dissenters, know that in such a country as this, their faith can only flourish by the zeal, piety, and self-denial of its ministers. They dislike as much as I do this blending of Church and State, to extend the influence and cement the power and patronage of a few.

The fifth resolution refers to the Bishop's seat at the Council, to which I do not hesitate to attribute many of the evils of which I complain. I am well aware that I will be met by the argument, that in England the bishops have seats in the House of Lords. But if they have, what is that to us? If, from peculiar circumstances that do not operate here, the Government in England has become incorporated with the Church—a union that now is felt to be burthensome and impolitic by a vast majority of the nation—why should we

copy the cumbrous machinery and imperfections of the old world which are inapplicable to the new? Why should we create invidious distinctions among our population, justified by no necessity of state? Ought we not rather to ask ourselves, what is suited to our condition?—what is right, what is just and expedient, under the circumstances in which we are placed; and, having found the answer, act with uprightness and decision?

[The sixth resolution, complaining of the distribution of patronage, he read and illustrated by references.] The Church has in the Council eight, the Dissenters four; all the judges of the supreme and all of the inferior court but one, are Churchmen; so are eight or nine out of twelve of the high sheriffs; and, as honourable gentlemen from the country well know, nearly the same proportions are preserved in all the little appointments throughout the towns and counties. If patronage were distributed according to population, the Church would have in the proportion of six and a half to twenty-five and a half; whereas it now has twenty-three to nine, although only embracing one-fifth of the inhabitants. This is a system that is unfair and unjust—one that I will oppose with all my might, and that the country will never submit to. The evils, the heart-burnings, and the discontent which it is calculated to engender, flow naturally from the faulty structure of the Council, and its extraordinary combination of powers.

By the seventh resolution, I have stated that “two family connections embrace five members of the Council; and that, until recently, when two of them retired from the firm, five others were copartners in one mercantile concern.” To be sure, this is not quite so bad as the Council which formerly existed in what is now the State of Maine, composed entirely of one family—or equal to some of the Irish corporations, constructed on a similar principle; but it is bad enough. It is melancholy to reflect that the views of fifty men, chosen by the people of Nova Scotia, may, after a month’s grave deliberation, be defeated, whenever the Council is not quite full, by a combination of two families. Then, until recently, the old Banking Company had the same power, and exercised it too, on more than one occasion. And, sir, whenever, in private conversation, I have supported the application of the elective principle to the upper branch, and have been told of the paucity of materials, the want of judgment and discretion on the part of the people, I have pointed to these five copartners, and asked triumphantly if the people would ever have committed such a blunder as that? No, sir; though, if they had the power, they might, as they sometimes do in organizing this Assembly, make a foolish selection, they would never be guilty of such absurdities as these. Think you, that they, had they wanted a legislative body composed of twelve, would ever have gone down to the Halifax Bank, and selected five out of eight of its partners? It is true, that, since they quarrelled among themselves, two of them have retired from the firm; but for years the whole five sat at the Council board, and the effect of their legislation on the currency, and on the repeated decisions of this House, I need not take the trouble to explain. Sir, I do not

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wish to be personal; it has never been my desire unnecessarily to annoy; I never strike a blow that is not called for by a public necessity; but I do not hesitate to affirm my own belief, that, had it not been for the presence of those five bankers in the Council, we would not now have been left without any standard of value in the country, and with one currency for the rich and another for the poor. Three of those copartners are still members of the Council; they compose one-fourth of the whole body; and members, to satisfy their minds of the magnitude of this grievance, need only inquire whether the people would have been mad enough to choose one-fourth of this Assembly—twelve out of the forty-nine—from one moneyed institution. And if they had done so, would we not view with jealousy and suspicion all that those partners said and did in this Assembly? When they were wrong we should attribute to them selfish motives and give them no credit when they were right. To this fate are the bankers in the Council condemned and their continuance there is a practical and notorious evil. If I am not reasoning justly from admitted facts, let the older members of this Assembly correct me. Upon this theme I have often listened to the indignant eloquence of some of them. The present Judge Bliss,—than whom no man was more capable of forming an opinion,—who is now an ornament to the bench, as he was then of this Assembly, said in 1833, “that the combination of bankers in the Council would be fair ground of suspicion, even if nothing could be charged against them; but, in the face of acts so daring and injurious, who could reflect upon the matter without the most serious apprehension?” If upon these matters I came here merely to excite suspicions and create useless agitation, I should be ashamed to occupy the time of this Assembly; but, sir, I give you as proofs that this is not the case the public declarations of senators and judges, some of the ablest men in your country; and if I am labouring to deceive you, they have taken great pains to deceive us all.

In support of the eighth resolution, which relates to the casual and territorial revenues, I scarcely need to produce any argument; the claims which are embodied in it have been matters of discussion for years; the main facts, and the reasoning arising out of them, are familiar to all our minds. Gentlemen will observe that I do not touch the question of the utility of the Mining Association to this Province or the expediency or in expediency of interfering with their operations, I merely state the manner in which our mines and minerals have been transferred. My own opinion has always been, that they should have a chance to get back a fair profit on their outlay; but, if the principle be sanctioned that the mines and minerals of Nova Scotia can be given away to a needy Duke, and seized by his creditors in England, without any consent of the Provincial Legislature, and that all the wild lands of the Province can be given to another individual for an inheritance, there is no security for prosperity and peace in the land in which we live. As respects the Commissioner for Crown Lands, I believe there is scarcely a dissenting voice in this House, or throughout the country.

The next resolution (the ninth) referred to the presence of the Chief-Justice at the Council board, the influence he exercised, and the tendencies of his position. I wish to make no improper charge against the Chief-Justice; I respect his talents and his integrity; I have been tried before him once, and should be happy to be tried before him again. I mean that if I were selecting a person to do impartial justice between one man and another—a judge into whose court I would go satisfied that the law would be impartially administered, the Chief-Justice would perhaps be the man; but I would not permit the head of the judiciary to sit in the Legislative Council or mingle in the heats and contentions of politics. I refer also to the effects of the jostling on the Brandy question, to the fate of the bills abolishing the judges' fees. Had Judge Halliburton not been in the Council, would that unfortunate dispute ever have occurred? or would not the bills abolishing the fees have passed with but little opposition? and if they had, is there any doubt but that the Governor would have given his assent? In nine cases out of ten, if the views and wishes of the Colonial Assemblies were understood by the Government at home, and if their decisions were not swayed by the intrigues and representations of interested parties on this side of the Atlantic, His Majesty and his ministers would be disposed to do us justice. The people of England have no interests opposed to ours. I must refer also to the influence which the Chief-Justice wields over the hopes, and fears, and prospects of some seventy or eighty lawyers and several hundred students, spread over the country, who naturally imbibe his political opinions, and are apt to support him against the views and interests of the people. Such men as the learned member from Cape Breton, or *Juste-au-Corps*,¹ may, from the possession of wealth, or the force of talent, brave this influence; or my honourable and learned friend from the Isle Madame, who always thought of his own interest last, may disregard and defy it, but, nevertheless, over a large class of the less able and independent it is all-powerful. For this reason, and many others equally sound, I am anxious to remove the Chief-Justice from the Council. Let us act decisively on that truly British idea, that judges should be kept from the heats and contentions of politics. While we battle with each other in the open fields of political strife, while the conflicts of opinion rage without and within these walls, while we struggle and contend for the mastery, let us have some sacred tribunal to which, when blinded and agitated by passion or interest, we can all with confidence appeal. I implore the members of this Assembly, of every party and of every creed, to set apart some sacred and holy place, untroubled with the storms without and untainted by the faintest breath of suspicion, to which, when society is convulsed, and the imperfections of our nature have kindled into strife, we can all repair for justice, the surest foundation of peace.

The tenth resolution, which relates to the closed doors of the Council, I will not occupy time in discussing; I feel that it will commend itself to the

¹ Now Port Hood.

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mind of every man who hears me. But as much has been said and some misconception may have gone abroad, as to what fell from me on this subject on a former day, I wish His Majesty's Council to understand the peculiarly ridiculous position in which they are placed. Though suspected of urging to violence, I have invariably pressed reformers to keep within the boundaries of the Constitution and the law; and I am prepared to maintain, that, without transgressing these, the people may, whenever they find the door unlocked, walk into the Council chamber. Suppose one hundred persons approach the door of our lobby and find that it is not locked; they walk in, as a matter of course. But suppose they choose to visit the other end of the building;—if the doors are not locked, and they walk in and take their stand without the bar, how are they to be displaced? How will the Council get them out? Will they send and borrow our sergeant-at-arms to displace them, or will they order Joe Skallish to arrest the ringleaders? No, sir, they can do neither; and the only way in which they can remove the people is by some member rising in his place and requesting that the lobby may be cleared. If the people then peacefully retire, I contend that there has been no outrage; they have but used their undoubted right and yielded to the exercise of the Council's privilege. But if this were done five or six days in a week, the Council would be compelled to yield; and I only make this statement to show to the members of that body in what a miserably helpless plight they are, even with all the protection of the Constitution and the law; and I think it must satisfy gentlemen who were so loud in their exclamations, that they had not examined the question in all its bearings.

But, sir, I am approaching now the root of all our evils. The points which we have thus far discussed are comparatively insignificant, when we come to survey that gross and palpable defect in our local government—I mean the total absence of all responsibility to the Commons. Compared with the British Parliament, this House has absolutely no power. We meet like a grand jury, examine a few accounts, but we cannot expend a shilling without the consent of the Council, and, in fact, have no constitutional influence over the branches of the Government. [Here he referred to and read the eleventh resolution.] I ask, sir, in this resolution, for nothing more than British subjects ought to have. If the statements in it are true, I appeal to any gentleman who hears me to say whether we have anything but a mockery of the British Constitution. An Englishman would consider himself no better than a Russian or a Turk, if he had no other guards for liberty than these. Had it been necessary, I could have turned back to the proceedings and debates of this Assembly, and accumulated abundant evidence of the correctness of the views I take; but I have already been compelled to occupy too much time. You, sir, once declared “that this House formerly possessed a salutary control over the officers of the Government who had seats in His Majesty's Council, because their salaries depended on the revenue bills, and anxious were they indeed to have those bills sent them from the Assembly. But now, I will ask, what control has this

House over the Council? By permanent bills we have provided permanent salaries, and hence the destruction of the constitutional control." Though you take no part in this day's debate, I know you feel the insult recently offered to this Assembly, and when your own language is recalled, must acknowledge that no improvement has taken place; and however such a state of things may have suited the early condition of this country, it is incompatible with our present advancement, and ought not to be tolerated for a single year.

When an Englishman in Turkey or Russia hears of a change of ministry at home, whatever party is in the ascendant, he feels a thrill of pride. To him it is a manifestation of popular spirit, acting upon and changing the policy of the Government; and he knows that so long as such changes take place—so long as a vote of the Commons can reconstruct the Government, British liberty is secure. But, were I to search our records, I could accumulate such a pile of votes expressive of a want of confidence in our ministries, as the table could scarce contain; but still they keep their seats, and to this hour there is no effective control. This would be bad enough, if they did not on all occasions treat the people and their representatives with contempt and heighten the irritation of their acts by uncivil language. But let us have no more bandying of words, no more grasping at shadows; let us go to the foot of the throne, and seek the substance of a useful reform. Gentlemen will probably ask here, What remedy do you propose? and I must confess the importance of that inquiry. Though young, my own mind has often been painfully exercised upon this subject; it has cost me many an hour of anxious deliberation. You are aware, sir, that in Upper Canada an attempt was made to convert the Executive Council into the semblance of an English ministry, having its members in both branches of the Legislature, and holding their positions while they retained the confidence of the country. I am afraid that these Colonies, at all events this Province, is scarcely prepared for the erection of such machinery; I doubt whether it would work well here; and the only other remedy that presents itself is, to endeavour to make both branches of the Legislature elective. I know that some members' minds will be startled by this declaration, but what else are we to adopt? Looking at our present position—turning to the evils of the past, I ask, with the Speaker on a former occasion, "Will it not be said that it is high time that the people of this Province were turning their attention to the constitution of that body which has brought those evils upon them?" It is time, sir, and therefore I have prepared this resolution, calling upon the Crown, "either by granting an elective Council, or by such other reconstruction of the local government, to ensure responsibility to the Commons."

The honourable and learned gentlemen from Cumberland, and other members of this Assembly, I am aware, contemplate the separation of the Legislative from the Executive Council, leaving the whole to be appointed by the Governor. But would this mend the matter? Would this give control? It would be

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only cutting a rotten orange in two, in order to improve its flavour. In England, the hereditary peerage furnishes abundant materials to construct the upper branch ; but suppose those materials did not exist, would the people, if they were forming a Government favourable to liberty, commit to the Crown the entire construction and control of that branch? No, sir ; if the scale was inclined at all, they would strengthen the hands of the people ; if too much power must be given or retained, they would err on the side of responsibility, and keep it in their own hands. One question to be determined is, whether or not we have the materials to form an elective Council. I have satisfied myself that they are abundant. Suppose that you were to take any twelve members, as they sit around these benches, would you not have quite as good a Council as that in the other end of the building? Sir, the materials are in the country, and if the qualifications for candidates and voters were raised, by a simple but effective machinery which would not take half a day to arrange, a respectable and disinterested upper branch might be constructed, that would rid us of many of the evils of which we now complain. The honourable gentleman from the county of Yarmouth spoke the truth, when he said the other day, that he had left at home more talented men than those whom his constituents sent to this Assembly. This is true of nearly all the counties ; for if this House is chosen from among the best materials in the Province, there are enough remaining as good, if not better, to send twelve or sixteen members to the other end of the building ; and if they were sent, they would transact the public business with more local knowledge and less selfishness than the present members of His Majesty's Council. Would not the honourable member from Lunenburg make quite as good a councillor as Mr. Collins? Would not my honourable friend from Falmouth fill Mr. Binney's seat to advantage? And if the people had the power, would they not elect such men, and if they did, are there not others to fill their places on these benches? Would not the people of this Province, who understand their own affairs, who know the upright and clever men in the towns and counties, make quite as good selections as a Colonial Secretary on the other side of the Atlantic? We know how these selections are usually made. When a man forfeits the confidence of the people and is turned out of this Assembly, he is often popped into the other branch ; so long as he retains the confidence of the people, he has no chance of obtaining a seat. Mr. Lawson, though wealthy, and fairly entitled to the notice of the Government, never got into the Council, and why? Because he was too plain-spoken, and would not bend to the views of that body. He lost his seat here, merely because he had accepted an obnoxious office ; but during the long period that he served the country in this House, he had no prospect of becoming a councillor, but now, perhaps, he stands a better chance.

I know that I shall hear the cry of republicanism and danger to the Constitution, but where is the danger? We have reduced our own term to four years ; suppose that the franchise was raised, and councillors elected for seven, they would neither be chosen at the same time nor subjected to the same

influence as this Assembly. They would represent another class of voters, but yet be intimately connected with the welfare and prosperity of the country. But suppose we carry our ideas of danger further. Suppose the two bodies set themselves in opposition to the Crown, what can they do? Can they, in the name of Heaven, raise rebellion in a little Province, with a population of one hundred and eighty thousand? Would our choosing twelve councillors lessen the hold which the mother country has on our affections? The Governor would still pass upon all our bills. If any were of a doubtful character, would they not be sent to England, reviewed by the Crown officers, and discussed in the Privy Council, or by the Board of Trade? One advantage of allowing the people to select their Council would be this, that when it did wrong they would have themselves to blame. They would not turn, as they do now, and vent their bitter feelings against the Government. This, sir, is the simple machinery I propose to redress our more prominent evils; and the more I reflect upon it, the more am I satisfied that it is well suited to the wants and feelings of the country in which we dwell.

I must apologize, Mr. Speaker, for having trespassed upon the time of the House so long and for the imperfect manner in which my views have been presented. I regret that the task had not fallen into abler hands. It is one that I should not have assumed did I not deeply feel that it involves the peace and freedom of Nova Scotia; and although, when applied to her alone, these principles may appear of little importance, when I take a broader view—when my eye ranges over our vast colonial possessions—when I see countries stretching through every clime, and embracing many millions of people more than the islands to which they belong—and when I reflect that upon a right understanding of these principles, a fair adjustment of these institutions, depends the security and peace of these millions of human beings, my mind warms with the subject, and expands with the magnitude of the theme. Sir, I ask for nothing but justice and responsibility, sanctioned by the spirit and forms of the British Constitution. The idea of republicanism, of independence, of severance from the mother country, never crossed my mind. Centuries hence, perhaps, when nations exist where now but a few thousands are thinly scattered, these colonies may become independent states. But it will not be in my time; and when it arrives, if it be permitted to us to look down from the other world upon the destinies of our country, I trust hers may be one of freedom and of peace. But, as there is now no occasion, so have I no wish, for republican institutions—no desire to desert the mighty mother for the great daughter who has sprung from her loins. I wish to live and die a British subject, but not a Briton only in the name. Give me—give to my country, the blessed privilege of her Constitution and her laws; and as our earliest thoughts are trained to reverence the great principles of freedom and responsibility, which have made her the wonder of the world, let us be contented with nothing less. Englishmen at home will despise us if we forget the lessons our common ancestors have bequeathed.

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An animated debate followed, which was not brought to a close until the 4th of March, in which every member who could deliver his sentiments spoke. Before it ended, the party lines which divided our population were distinctly visible, and before the twelve resolutions were disposed of, almost every man had defined his position. Mr. James Boyle Uniacke led the Government party, and Mr. Howe was roughly handled by that gentleman, by Mr. Lewis Morris Wilkins, Mr. Alexander Stewart, and others. New as he was to the House, his friends were surprised by the readiness he displayed in debate, and by the tact and boldness with which he encountered those who, up to his advent, had been the acknowledged leaders of the Assembly. On February 24th, Mr. Howe made a general reply :

I did not intend to have occupied the time of the House again until some of the leading points in my resolutions had been strongly assailed. I did not expect to be called upon to answer such an harangue as has just been delivered by the honourable and learned gentleman from Windsor.¹ I will give that gentleman the credit to acknowledge that he did sometimes puzzle me, not to answer, but to recollect, what he said. To avoid the difficulty I have departed from my usual practice, and have taken notes, and will from these endeavour to reply to the little that appears to bear upon the question. He talked a great deal about storms—the gathering of the tempests, the agitation of the sea of politics, and represented me as the presiding genius of the storm ; but the learned gentleman raised something of a storm himself ; the elements of his mind rumbled fearfully, and he gave us lots of thunder, but—precious little lightning ; and when the storm ceased, I presume it was from the same cause that puts an end to other storms—the want of wind. Any person who introduces a measure to this House is bound to answer, as far as he can, the objections urged against it ; but the learned gentleman has taught me another lesson, that he is also bound to listen, which in some cases may be quite penalty enough. He commenced by expressing his surprise that somehow or other an impression had gone abroad that he was a thick-and-thin defender of His Majesty's Council. If that be true, although not disposed to believe so much of the old *vox-populi* adage as to suppose the voice of the people to be always the voice of God, I must confess that whenever a gentleman or a lady acquires an evil reputation there is generally some foundation for the story. And if anybody required proof of the learned gentleman's steadfast adherence to the Council, it might be found in the speech he has just delivered ; for when he tells us that they have never committed a wrong act, and are scarcely chargeable with an error in judgment, I must confess that he is not very scrupulous. He has told us of the two great fountains of political wisdom,

¹ Lewis M. Wilkins.

from which the people of England drink, and then called in Sir James Kempt to aid him in keeping things as they are ; but he forgets that Sir James himself has taken office under, and acted steadily with, the very men who slake their thirst at the fountain which he has stigmatized as dangerous and unclean. If his opinions are therefore of any value, we should take those he has sanctioned by deliberate acts, not those expressed in a private communication. The learned gentleman has been exceedingly classical, and treated us to an abundance of quotations. I regret that my opportunities have not supplied me with such elegant sources of illustration ; but I cannot help comparing the learned gentleman's arguments to the fabled goddess of old, beautiful to look at and tempting to follow, but, when embraced, turning into a cloud. He has favoured us with a review of the press of the Province and laments that it is only calculated to mislead, from the one-sided view it takes of political questions. But if he considers that so great an evil, and really desires a change, why does he not himself establish the knock-down Tory paper so necessary to the general salvation ? For my part I should be delighted to have him in the list of contemporaries ; and I doubt not that the others, to whom he has been so amazingly complimentary, would have no objection to meeting his literary competition. But I would remind the learned gentleman that there are other parties to consult ; and that before he sets up his press he should inquire whether the people are likely to subscribe. If he calculates without them, he may find that after playing Mercury for a while with feathers at his head, he may be glad to get back to his desk with his quill behind his ear.

In describing the happy condition of the people of Nova Scotia, he has treated us to an imaginary dialogue, which we are to presume has been held with one of his constituents in the township of Windsor ; but if the party is really so ignorant of his rights and privileges, and of all that is passing in the Province, he must have found it necessary to explain to him the meaning of the word tympanum, and other learned phrases which he has employed. But, thanks to the press, the people of Nova Scotia are not all so ignorant as the lout he has described. The yeomanry perfectly understand the leading questions which have been agitated ; they know well what we are about, and look anxiously to the result of our deliberations. Though such specimens of provincial intellect may be found about the purlieus of Windsor, they are rare enough in the other townships, which will require all the learned gentleman's eloquence and classic allusions to convince them that there are no evils requiring a remedy in the Province of Nova Scotia. I need not now touch upon the main arguments which bear on the present question, because I feel that the solid foundation on which these resolutions rest has scarcely as yet been touched. He takes them in his hand and denies that they contain a particle of truth, and then wonders how he can be suspected as the defender of His Majesty's Council. He differs widely from the learned gentleman from Cape Breton, who, with commendable candour, admits the justice of the larger portion, but points to particular passages which he is prepared to dispute.

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The learned gentleman has treated us to an extract from Lord Goderich's despatch in answer to Mr. McKenzie, and has drawn a contrast between our position and that of Upper Canada. But we have nothing to do with the Canadas. My opinions with respect to them I have expressed elsewhere, and if we were now trying the justice of the complaints made by the people there, I need only cross the street to furnish abundance of testimony to satisfy the most fastidious. I would tell the learned gentleman, however, that just such flippant despatches as that to which he has referred, have kept almost all the colonies for years in confusion. He should remember that Lord Goderich, or Goosey Goderich, as he has been familiarly termed, has been driven out of office and is succeeded by men of more liberal opinions. He therefore stands not in our way. The state of Upper Canada in former times I heard well described by a gentleman who held a responsible office there. "We collected," said he, "£100,000, and we divided it amongst us; there were some, however, who thought this was not enough. But I used to say to them, Gentlemen, we get all there is; it all goes into our pockets; and surely we ought to be content." And so they should have been, sir; but was it to be supposed that the people would be contented too? But let me caution gentlemen not to be led away by ingenious contrasts with Canada, intended to alarm. It has been said that we need not ask for an elective Council, because Lower Canada has asked already and has been denied. Bear in mind, however, that there are some substantial objections that have been urged against her claim, that do not exist here. There, the people are split into two great political and religious parties; here, we are all one race. An Englishman, Irishman, or Scotchman lands upon our shores, and the first child he begets is a Nova Scotian. After the first generation passes away a united population remain; and therefore we cannot be met with the difficulties which the Lower Canadians find in their way.

The learned gentleman has denied that the people of this Province supported the view the Assembly took in the Brandy dispute; but did they not, with two or three exceptions, return every man of the majority, or those who expressed similar opinions, and is not this pretty good evidence of unanimity? But he praises the Council for telling us that the people have no right to listen to their deliberations; and asks, if they have the right, why are they not there? But will he tell me that the right to a thing in this Province always ensures its possession? The people are simple enough to believe that they have a right to exemption from taxation, except by the consent of their representatives; that they have a right, except when so taxed, to keep their own money in their own pockets; and yet the judges take it out by hundreds and thousands of pounds. In fact, here, as in the ancient feudal times, might too often takes the place of right. He has read to us the ancient proclamation issued by the Governor and Council for the suppression of public meetings, and attributes the change that has taken place to the liberality of the latter body in modern times. If the truth were known, perhaps they like public

meetings as little as those who have gone before them ; but fortunately such an exercise of power would not be so safe. But if the learned gentleman had lived in 1770, he would, no doubt, have defended the Council of that day as warmly as he does ours of 1836. He who thinks any change improper, except perhaps a change in the fashion, would no doubt have said to those who complained of such a proclamation, "No rash innovations, no constitution-mending ; the country is happy, and you have no right to complain." He has cautioned us, in the language of the fable, not to cry "Wolf, wolf !" for fear that the shepherds will be displeased at our false alarms ; but let me remind him of the other story of the wolf who had got the lamb on its back, and while he was rending its flesh and sucking its blood, tried to persuade it that it ought to lie still, and had no reason to complain. Referring to the disclaimers about the influence of the Chief-Justice over the bar, what I dislike is the influence which is exercised, not legitimately as a judge, but as a legislative and executive councillor. If not the dispenser of patronage, and the ruler of a branch of the Legislature, the bar would then have fair play, and form a wholesome check upon the conduct of the judiciary ; as it is, they have to contend against influences which are not necessary to sustain the character, and only serve to protect the illegal emoluments, of the bench. I believe this distinction is recognized by many of the more enlightened members of the profession. Mr. Wilkins denied that the Bishop at the Council board took part in the secular affairs ; but did he not take his share of the Brandy messages and resolutions, and must he not have concurred in the "unanimous" message sent down about the doors ? He has referred to Mr. Papineau's letter, addressed last session to the Speaker, and would fain persuade the House that we are acting in concert with that gentleman. Perhaps, to a certain extent our views are the same ; but if it were necessary I could soon convince him that we differ in many things, and that those differences of opinion have been elsewhere strongly expressed. But I ask gentlemen to confine their attention to our own country, and to endeavour calmly, but firmly, to obtain what she requires to secure her prosperity and happiness. I am not to be frightened by references to Canada, or to old despatches and denials of justice. Suppose that the population of the mother country had been so alarmed that they had been deterred from seeking, by the difficulty of obtaining, necessary reform, would they have obtained Catholic emancipation, parliamentary or corporation reform ? And suppose that the colonies had asked for nothing in former times but what they were certain to get ; suppose they had been satisfied with what old Earl Bathurst had been disposed to give, in what situation would we have been now ? Would we have had the concessions to Lower Canada—the liberal instructions to Sir Francis Head—the relinquishment of the revenues in New Brunswick ? No, sir ; and therefore I repeat again, let us look only to the situation and the wants of our own Province, and ask for what is right and fair. The views of the English Government with respect to domestic and colonial policy are every year becoming more liberal, and we

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have no reason to despair of obtaining any concession calculated to do us good. Colonial ministers and their prejudices pass away ; the Province still remains.

The main argument involved in these resolutions I consider as yet untouched, as I trust I shall be able to show, when they come separately under review ; I contend not for mere words and phrases. The learned gentleman has declared that they are mere echoes of the sentiments I have promulgated in *The Nova Scotian*. What else should they be ? Perhaps he and others would have been better pleased if, in coming into this Assembly, I had belied the sentiments expressed elsewhere. Such things may have happened ere now, but I trust that my conduct will never furnish another instance. To the opinions promulgated through the press I still adhere ; and I am happy that they are sanctioned by the judgment and sustained by the sympathies of the people we represent. If I know anything, it is that the bulk of the population, that nine out of ten of the intelligent minds throughout the country, firmly believe the truth of the propositions which those resolutions contain ; and the reforms demanded they are determined to have—the resistance of the Council, and the learned gentleman's classic speeches, to the contrary, notwithstanding. As respects the sneers thrown out about a delegation, I state frankly that I contemplate no such thing, unless it be found to be ultimately indispensable. From the experience the people of this country have had of missions to England, they are not much inclined to favour them ; and I should fear that from the time I set my foot on shipboard on such an errand, my political reputation would begin to decline. At present, however, my object is merely to bring the more prominent evils of the colony to the notice of His Majesty by address. As respects an elective Council, I ask it, because I believe that the opinion of the learned gentleman's grandfather is correct. [Mr. Wilkins explained that it was his grand-uncle who spoke with reference to the former condition of New York.] That reverend gentleman, then, if he said anything that bears upon the present question, said this, that there were not materials in that colony to construct such a government as exists in England. What was true then, is true now. If we had the materials for a House of Lords I should be ashamed to ask for this modification. But, as we have them not, we must construct the best form of government we can with the materials that are at hand. The question is simply this : shall the upper branch be selected by those who know the best men in the country, and have a deep interest in their deliberations, or by the Colonial Secretary, three thousand miles off, acting upon the advice of one or two individuals, interested in misleading him to perpetuate their own power. If the people of England err at all, they err on the side of popular rights. The learned gentleman denies that there is any ground for complaint, but confesses that he desires an infusion of agricultural spirit into the upper branch. But we differ as to the mode ; and when he thinks that a mere separation of the executive and legislative power will give satisfaction, and leaves the selections to the Government, I turn him to New

Brunswick, where such a change has been introduced. The learned member from Cape Breton acknowledged that our Council was made up of a copartnership and a family party. But in the reformed Council of New Brunswick the same evil is preserved; for, if I am not mistaken, three family connections have a decided majority at the board. And I will venture to predict, that if a similar alteration takes place here, the same principle will be adhered to, and that two or three little parties will have a preponderating influence; and members will find that such selections will be made as will astonish them all and disappoint their hopes. But we are told, we may all obtain seats in the Council if we choose to apply. If I wished to secure one, I would endeavour, first, to get in here, and whenever the Council's policy was attacked, I would rise and defend it; whenever their views and interests were assailed, I would come to their aid with airy arguments and classic quotations; when their rights and privileges were talked of, I would muster all the thunders of declamation, and if possible enliven the storm by a little lightning; but when the rights and duties of this Assembly were involved, I would sneer at and oppose them, and take my seat in a lean and miserable minority, satisfied that my object was attained without any other interest at court. But, should I go to the Government and say, I reside in the country—by industry have accumulated a competency and stored my mind with knowledge—by an independent and upright discharge of duty, even in opposition to the views of His Majesty's Council, have won the people's esteem, I should ask for a seat in vain; my claim would never be allowed. He wants the Council created by sneaking servility to the local authorities; I wish to base it upon kind acts and conscious independence. I fear we shall never agree. In conclusion, sir, I have again to express my regret that the honourable and learned member for Windsor cannot believe that any practical grievance exists in the Province of Nova Scotia. His classic sympathies may be excited by an old elm tree; the sighing of the wind through its branches oppresses his mind with sadness; but the sighs of the living population of the land for liberty and justice—for the checks and blessings of the British Constitution, fall unregarded on his ear.

On moving the eleventh resolution, on the 3rd of March, Mr. Howe made a speech that is worth preserving, for various reasons. Those who defended the old system of government assumed, first, that the institutions of the United States had failed to secure liberty and happiness, and that by yielding responsible government, republican institutions would be at once introduced. Mr. Howe combated both these arguments. While he did justice to our neighbours, and ascribed to the practical working of their purely elective institutions the great prosperity and freedom which they enjoyed, he showed that responsible government was not republicanism, but a purely British mode of conducting public affairs,

which British Americans might claim without any impeachment of their loyalty :

In rising to move the last resolution, while I congratulate the House on having got so nearly through the series, I must also thank them for the patient attention with which I have been favoured, and which, as a very young member, I had no right to expect. I feel myself relieved from a weight of responsibility by the sanction that has been given, after grave deliberation, to so many of my opinions. Where gentlemen have differed with me I feel they have exercised an undoubted right ; and the address, whenever it may be framed, will speak not the language of any individual, but of a large majority of the representatives of the people. In bringing under review the last, but by no means the least important, of these resolutions, I must beg of the members to discharge from their minds all needless horror of innovation, all undue prejudice in favour of the mere framework, rather than the spirit, of established institutions. I trust that gentlemen will be disposed to examine the change which it demands, with reference to its probable utility, not by its inapplicability to the parent state. In pressing it on the attention of the House, I should have felt much less disposed to occupy time, had it not been for the eloquent and ingenious speech delivered on a former day by the learned member from Cumberland, and which was so well calculated to arouse prejudices in many minds against the elective principle. That gentleman drew a vivid contrast between the institutions of America and those of the mother country ; and while he did but justice to the latter, the former were held up to ridicule, as being based upon unsubstantial theory, and incapable of securing life, liberty, and property when reduced to practice. He is opposed to this resolution, because, judging from the elective principle in the United States, he believes that if an elective Council were created here, it would be followed by annual Parliaments, and the election by the people of our judges and governors. That one violent change would be followed by another, produced by an insatiable spirit of excitement and innovation, until this Province was brought to the same deplorable condition to which our neighbours are reduced in the dis-tempered imagination of my honourable and learned friend.

Sir, I trust that those who hear me will be disposed to ask themselves, not what exists in England, under circumstances very different from ours—not what exists in republican America, created out of a state of things which is not likely to be forced on us—but what is required by the Province of Nova Scotia, under the circumstances in which we are placed ; what form should her institutions assume, in order, by preserving the responsibility of all branches of the government to the Commons, to secure her prosperity and advancement. But, sir, when I hear it asserted in this Assembly that there is nothing practical in the institutions of our neighbours—that they are based on mere speculation—that beneath their shade neither life, liberty, nor property are secure—a sense of justice—of what is due to the absent—would compel me to say some-

thing even in an enemy's defence. Sir, when the learned gentleman thus asperses the institutions of our neighbours, when he tells us that there is nothing practical in republican America, I point to that great nation, stretching from the Gulf of Mexico to the Bay of Fundy, and I ask him, excepting the British Isles, to show me where, upon the wide surface of the globe, within the same extent of territory, an equal amount of freedom, prosperity and happiness are enjoyed? Nothing practical! When I see a people who numbered but three millions and a half at the time of the Revolution—who owed then seventy-five million dollars—and who, though they purchased Florida with five millions, and Louisiana with fifteen, and owed one hundred and twenty-three million dollars at the close of the last war, are now not only free of debt, but have an overflowing treasury, the fertilizing streams from which, rolling through every state in that vast Union, give life and energy to every species of internal improvement—I ask my learned friend, is there nothing practical in all this? When I see fifteen millions of people governed by the aid of six thousand troops—less by nine thousand than are necessary to keep the peace in Ireland, scarcely one-third more than are stationed in the colonies—shall I be told that there is nothing practical in the government under which they live? When I survey their industry, their enterprise, their resources, their commerce whitening every sea, their factories, propelled by a thousand streams, their agriculture, with its cattle on ten thousand hills, their forty noble rivers flowing to the ocean, covered with steamboats crowded with human beings—again, I ask, shall it be said that even the republican institutions of America have produced no practical result? When I behold, upon the great lakes—scarcely rivalled by the Caspian and the Baltic—animated scenes of inland traffic, when I look to her five hundred banks, with their two hundred millions of capital, her extended lines of railroad and canal, her splendid packets, glancing like birds athwart the Atlantic, her noble penitentiaries, her excellent hotels, her fifty colleges, her admirable common schools,—I cannot but feel that even if such dreadful evils as these were to come upon us from making our Council elective, we ought not to be deterred from asking for a change. And when I think of her acute diplomacy, her able Presidents, from Washington to Jackson, her orators, from Henry and Quincy to Wirt and Everett and Webster, her philosophers, from Franklin to Fulton, her patriots, from Warren to Clinton, her poets (and sweet ones they are), her Bryants, and Percivals, and Sigournes,—I am bound to assert that the great nation which the learned gentleman maligned presents an aspect of political prosperity and grandeur, of moral sublimity and high intellectual and social cultivation, that ought to have made him ashamed of the unseemly picture which he drew; and I tell him boldly, that these are practical results that should challenge his admiration rather than excite his contempt.

But, forsooth, all these are to go for nothing, because there are mobs in America; because the people of Charlestown burnt a convent, and some of the rioters were permitted to escape. Did my learned friend never hear of Lord George Gordon's mob, that took lawless possession of the very capital of that

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mighty empire to which he is so proud to belong? Does he not know that an infuriated multitude rioted for days uncontrolled in the city of Bristol? Would he like to have these instances of temporary misrule, of the unbridled sway of human passion, brought forward to prove that there is nothing practical in British institutions; that there is no security for life and property in England? They would prove as little in the one case as in the other. Mobs will spring up occasionally in towns; but, if they sometimes disgrace those of America, who ever hears of them in her agricultural districts? Yet, in Britain, not only do we hear of combinations to destroy machinery in the cities, but the burning of stacks in the country; and therefore it is, that when I am cautioned against preferring unjust imputations against the body in the other end of the building, who have their defenders here, I advise them to look at home, and not to send abroad unfounded charges against a neighbouring nation, on the presumption that no one will have the manliness to say a word in its defence. I might turn gentlemen's attention to scenes which have occurred at home, under the shadow of that constitution and those laws which they consider perfect, ten thousand times more disgraceful than any that have occurred in America. I might point to "red Rathcormac," and the other scenes of tithe butchery in Ireland; and while you sickened at the blood flowing from the wounds inflicted by a brutal soldiery, I might show you the avaricious priests and the besotted Tories—those who drink from the pure stream of political wisdom, described on a former day by the learned gentleman from Windsor—busily goading them on. But as these would prove nothing against the general working of British institutions, the vast amount of protection and happiness they secure, neither should those of our neighbours be assailed upon equally untenable grounds.

But I am told that slavery exists in the United States. It does; and I will admit that if there is a stain upon their escutcheon, a blot upon their fair fame, it is that slavery has been suffered to exist in any part of the Union so long. But, did not slavery exist in the British dominions until within two or three years? And when I am told of the violent proceedings of the Southern planters to protect their own system, I remind my learned friend of the butcheries, and burnings of chapels, in the West India Islands. Slavery is a great curse; and wherever it exists, it will be marked by great evils, arising out of the fears of the oppressor and the struggles of the oppressed. But let us never forget, that while slavery was forced upon the old colonies by the operation of British laws, nine out of the thirteen States that originally formed the federation have wiped away the stain, have emancipated their bondsmen, have broken the shackles of the slave. If, then, I wished to justify this resolution by the practical effects which the elective institutions of America have produced, I feel that, notwithstanding the eloquence of my learned friend, I should be entitled to your support. Upon the facts to which I have referred, and hundreds of others like them, I might confidently ask for a solemn adjudication.

But, thank God, there is no need to look to republican America for examples.

Throughout these discussions I have turned, and I seek again to turn, your minds to that great country from which we have all sprung, to which we owe allegiance, and to whose institutions it is my pride to look for models for imitation. Though, in replying to my learned friend's misrepresentations, I have but done an act of justice, I ask you to throw aside every argument that can be drawn from republican America, to cast a veil over her institutions and her prosperity, and, looking across the Atlantic, to gather support to the resolution before you from the example of England. I should not have proposed it, I should not stand here to-day to press it upon your attention, did I not feel that it could commend itself to your minds by the practical working of her institutions. Were you to tell an Englishman that you, the Commons of the country, had no effectual control over the other branches of your government, that here there exists no check which ensures responsibility to the people, —what opinion would he form of the degree of freedom you enjoy? Were you to propose that half the House of Lords should be chosen from two family connections, and the other half should be made up of public officers and directors of the Bank of England, he would laugh you to scorn; he would tell you he would not tolerate such an upper branch for a single hour. Sir, it is because I feel that the institutions we have are not English, that they are such as would never be suffered to exist at home, and ought never to be sanctioned by the descendants of Britons in the colonies, that I desire a change; and, because it proposes a remedy, because it holds out a prospect of reformation, that I ask the House, not rashly to adopt, but gravely and calmly to consider, the resolution before them.

I have already said, and I repeat again, that the excellence of the British Constitution is to be found, not in the mere structure of the various branches of the Government, but in that all-pervading responsibility to the people which gives life and vigour to the whole. That Constitution is not a thing held sacred from change, not susceptible of improvement, but a form of government subject to continual revision and renovation, whenever it is found that the great principle of responsibility is in danger. To preserve this principle the prerogatives of the Crown were curtailed; to preserve this principle the House of Commons was reformed; and even now, a struggle is going on to reduce the power of the Lords. Shall we, then, be blamed for seeking to preserve it, by remodelling our provincial institutions? When gentlemen raise the cry of innovation, I ask if the repeal of the Test and Corporation Acts was not an innovation—if the destruction of the rotten boroughs was not a great constitutional change? And while the Government at home is subjected to constant modifications, required by the increasing intelligence of the people, is it to be said that ours should remain unimproved—that the reforming ministers of England will deny to the colonists the right to imitate their own examples? Sir, I have often felt, and now in my heart believe, that if the people of England really understood the questions which often agitate the colonies, if the Government was accurately informed, instead of being, as it constantly is, misled by

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interested parties on this side the Atlantic, we should rarely have any very irreconcilable differences of opinion. What earthly interest has John Bull in denying his brethren justice?

The argument urged about the denial of an elective Council was partially answered on a former day; but gentlemen may not be aware that the last motion made by Mr. Roebuck on the subject was withdrawn, under an implied pledge that Government would fairly consider the question. Let gentlemen review the present system of creating the second branch. Can anything be more intolerable? I referred, on a former day, to the old Council of Maine, composed of a single family. The same evil has prevailed to a great extent in every one of which we have any knowledge; they have either been composed of such connections, or have been ruled by little combinations, always distasteful and often injurious to the people. How can it be otherwise, while the whole branch is created on the recommendation of one or two individuals in the colonies, more intent on preserving their own influence than fairly distributing the royal favour. "It is a fatal error," says Sir James Mackintosh, "in the rulers of a country to despise the people; its safety, honour, and strength are best preserved by consulting their wishes and feelings. The Government of Quebec, despising these considerations, has been long engaged in a scuffle with the people, and has thought hard words and hard blows not inconsistent with its dignity. I observe that twenty-one bills were passed by the Lower House of Assembly in 1827, most of them reformatory. Of those twenty-one bills, not one was approved of by the Upper House. Is the Governor responsible for this? I answer he is. The Council is nothing better than the tool of Government. It is not a fair and constitutional check between the popular Assembly and the Governor." I did not think it necessary to accumulate evidence on this point, or I might have had abundance: indeed I feel that it is painful to intrude even what has been said upon the House, after the long discussions in which we have been engaged. It has been said that elective Councils are a new invention; but let it be remembered that they existed in some of the old colonies until their charters were withdrawn, and were found to work well. And if the Government would but take an enlarged view of the subject, it would, notwithstanding the national and religious divisions which certainly do present some difficulties, grant an elective Council to Lower Canada, for these plain reasons; a vast majority of the people, and nearly the whole of their representatives, require it. To refuse, is to perpetuate agitation; to grant it, is to try a great experiment for the restoration of peace; and if it be necessary to resort to force, to reconquer the country again, it can be done as well after as before the upper branch is rendered elective.

But, it is said, the Councils would in that case be filled with persons of low estate; with farmers, and mechanics, who know nothing of legislation. Let me upon this point quote the answer which an intelligent American gives to Captain Hall. He says: "From Canada, Captain Hall passes into New York.

Delighted with a Governor robbing the public chest (and pleading an otherwise unavoidable subversion of the government as an excuse), and with a Council, composed of the 'Governor's creatures,' negating every bill from the other House, Captain Hall is of course disgusted with the Legislature of New York, as composed of men 'who had come to the Legislature straight from the plough, from behind the counter, from chopping down trees, or from the bar,' wholly unacquainted with public business or the duty of the legislator. But we dislike this eternal drawing of inferences, instead of citing facts. We wish Captain Hall would point out the great practical evils perpetrated by this Legislature, or that he would name a deliberative body in the world that can show more work, better done, than may be shown by this very Legislature of New York. Look at the institutions of that State; her various endowed charities; her penitentiaries, which our traveller describes with great but not exaggerated praise; the rapid colonization of her own wide domain, with a population greater than that which Parliament, at a profuse expense of public money, has been able to rear up in all the British North American dominions; her munificent endowment of her colleges; her princely school fund; her more than imperial works of internal communication. These are the doings of Captain Hall's wood-choppers and plough-joggers, but not all of them. If there be a government, popular or arbitrary, which, in nearly the same space of time, and with the same command of means, has done more for the advancement of civilization, the arts, and the public welfare and prosperity, we have yet to learn in what part of the world it is to be found." I give the same kind of answer to my learned friends on the other side. Suppose that a new Council is to be created to-morrow; how is it to be done? Two or three persons furnish lists to the Governor, who sends them to England. Now, this is the power that I would not entrust to any two or three men, however wise or patriotic they may be; yet, if they are the reverse, how incalculable is the mischief produced. But, suppose a member of Council is required for Cape Breton, and by the aid of the elective principle the five gentlemen who now represent the Island are returned; if the Governor is compelled to select one of these, though he may not take the best, he must, at all events, choose one whom the people themselves have pressed upon his notice; one in whom they have confidence, and one who is more likely to be of service than a person whom they never saw. Perhaps he may now find one among them that would be selected; but I know that there are other counties whose representatives would go a begging for a seat in the Council before it was obtained. In nine cases out of ten it will be found that the men most loved and trusted by the people are the last to obtain the confidence of the local government. Why should this be? In England, the King himself cannot exclude from his Cabinet commanding talent, backed by the support and confidence of the nation. How often have we seen the British monarchs compelled by the country to place the reins of government in the hands of those from whom they would gladly have been withheld. Can such an instance be quoted

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in colonial history? No, sir; and therefore it is that I seek for change; that I desire a more responsible system. I acquit the maternal Government; I acquit the people of England of any wish to deny to us the advantage of principles of which they have proved the value. There is something too fair and noble in the structure of the Briton's mind, to permit him to deny to others the blessings and the forms of freedom: and particularly to those who speak his language, and have sprung directly from his loins. Why should Britons on this side of the Atlantic be denied those checks and guards which are considered so essential at home? There they have indeed a Constitution practically useful. I can participate in the glowing picture which the learned member from Cumberland drew; I can survey with delight the spectacle which England presents to the world. That great country is free; but here, the blessings she enjoys do not exist. I trust, therefore, that this proposition for an elective Council will not be considered so rash and heedless a one as some gentlemen are disposed to imagine. The measure is one that I believe will be satisfactory to the people; and can there be any danger in its adoption? Shall we be more closely united to the mother country if these twelve men are selected by the Colonial Secretary, or somebody for him, than if they are chosen by ourselves?

If it be said that this is too important a change to adopt on the recommendation of an individual, I will read to you the deliberate opinions of the present Master of the Rolls, whose sentiments on this subject, from his talents and high standing, are entitled to respect. In a debate which arose in a former Assembly, Mr. Fairbanks observed, "That on all hands the composition of the Council was acknowledged to be defective; rejecting the principle of election, it would, perhaps, be easy to make additions, but would it be easy to make such as would please the people? A new Governor would, perhaps, come here, and before he has had time to acquaint himself with the situation and the leading men of the country, two or three persons who chanced to get into his confidence would make all the new appointments; was it to be supposed the people would not make better selections themselves? If they could trace the secret history of all the appointments that had been made for years, they would not hesitate to change the mode. The learned Solicitor-General went on to explain how he thought, if the principle of election was not introduced, some advantage might be gained by having a member of the Council to act as member of each county, whether chosen from it or not. If so designated, and if it were understood that they were expected to watch over the interests of particular districts, as members of the Assembly now do, there would be a bond of union between them and the people they were chosen to represent, and much of the narrow and metropolitan character of the present Council would be removed. He differed entirely from the learned member from Cumberland about the propriety of allowing either the Chief-Justice or the Master of the Rolls to remain in either Council. His studies had taught him that the exercise either of legislative or executive powers was incompatible with the

due administration of justice. The energies and the intellect of this country had grown beyond the feelings and interests and prejudices of the present Council. He was afraid, however, that merely asking for an addition of six, to be chosen as they were at present, would be nothing at all. He wished that, while they were about it, they should really effect a reform, and not merely an unimportant alteration;" and on a subsequent day he remarked, "That to tell him the principle of election was at variance with the Constitution was to tell him what reading and reflection and experience disproved. The Constitution was founded upon this grand principle, that everything must conduce to the good of the people." These are the opinions of a man who held a Crown office at the time.

In conclusion, I beg you, gentlemen, to look around all the colonies, and ask yourselves, have these selected Councils conduced to the public good? Turn to the resolutions you have passed to-day for proof of their operation here. I regret that upon this question I shall have to encounter the opposition of some that I would fain have carried with me in this measure. As we have stood together on other questions, I shall be sorry if we part on this. They will bear in mind that I am not contending for an ultra and uncontrolled exercise of the elective principle; I seek only such a fair infusion of it as will preserve a constitutional balance of power. Insinuations have been thrown out about a delegation to England. As I said on a former day, I say again, that this is an extreme step which I do not contemplate—one only to be taken as a last resort. Those who know me but imperfectly may assert and insinuate that I am anxious to stir up strife, that I have ulterior views that do not now appear. I hope to live down such aspersions. Sir, when I go to England, when I realise that dream of my youth, if I can help it, it shall not be with a budget of grievances in my hand. I shall go to survey the home of my fathers with the veneration it is calculated to inspire; to tread on those spots which the study of her history has made classic ground to me; where Hampden and Sydney struggled for the freedom she enjoys; where her orators and statesmen have thundered in defence of the liberties of mankind. And I trust in God that when that day comes I shall not be compelled to look back with sorrow and degradation to the country I have left behind; that I shall not be forced to confess that though here the British name exists, and her language is preserved, we have but a mockery of British institutions; that when I clasp the hand of an Englishman on the shores of my fatherland, he shall not thrill with the conviction that his descendant is little better than a slave.

With some modifications, Mr. Howe's twelve resolutions were passed, the most of them by handsome majorities, and on the 4th of March he moved for a committee to throw them into the form of an Address to the Crown.

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On the 7th of March a message was received which created no little alarm. It is worth preserving :

In Council, 7th March 1837.

His Majesty's Council perceive by the Journals of the House of Assembly, which the Council have this day received, that the House have passed several resolutions conveying accusations against His Majesty's Council, and, among others, one declaring some of the "*Members of His Majesty's Council have evinced a disposition to protect their own interests and emoluments at the expense of the public.*"

His Majesty's Council admit that it is not only the right, but the duty, of the House of Assembly to propose any alteration in the institutions of the country which they think would prove beneficial to the people, but they cannot admit the House of Assembly have any right to pronounce the Members of the Council to be guilty of acting from corrupt motives ; and if they have evinced a disposition to protect their own interests and emoluments at the expense of the public, their motives must be corrupt.

That decorum which regulates the intercourse of society could not long be preserved in private life if in the transactions of the Legislature, where a more ceremonious observance of it ought to prevail, one branch should be permitted to commit so great a violation of it upon the other without expostulation or resistance.

His Majesty's Council trust that the House of Assembly will, upon further consideration, perceive that a resolution containing such accusation against a co-ordinate branch of the Legislature is inconsistent with these rules of decorum.

His Majesty's Council would deeply deplore the evils the country would sustain from an interruption of the public business ; they trust that the House of Assembly would equally deprecate such an event, and they therefore earnestly hope that the House will feel the propriety of rescinding this resolution, as His Majesty's Council feel that if they were to continue to hold communication with the House while that resolution remains unrescinded they would justly forfeit their self-respect, as well as the respect and confidence of the public.

It therefore now remains with the House of Assembly to prevent any interruption of the public business ; and the Council repeat their earnest hope that the House of Assembly by an act of justice will enable the Council to co-operate honourably with the House of Assembly in carrying forward the business of the session, and bringing it to a harmonious and happy issue, with all possible benefit to the people and to the Province.

Resolved unanimously, That the foregoing message be sent to the House of Assembly.

It was apparent from this message that the Council had made up their minds to maintain the old Constitution at any price and

to sacrifice the revenues of the country as they had done in 1830, rather than not bear down and crush the daring individual by whom their prestige and privileges had been so rudely assailed. What is to be done? was the question that every man asked his neighbour. If a collision took place between the two branches, the revenue laws would expire and the revenue be lost. Collision was inevitable if the obnoxious resolution was adhered to, and to admit that it was inaccurate or unjust upon compulsion was to yield the right of the House to convey to the foot of the throne any statement or opinion at which the Executive chose to take offence. The position that Mr. Howe occupied at this moment few public men would have envied. His friends trembled for him, and his enemies triumphed in anticipation of a speedy and inglorious termination of his political career. Nobody knew what he would or could do. Late on March 8th, Mr. Howe entered, with a face as cheerful and a step as buoyant as if he were going to a wedding. He threw back his coat, addressed the chair, and in a few moments the public mind was relieved and everybody felt that the crisis was over. He had anticipated the action of the Council, and was prepared for it. The revenue should not be lost. The resolutions had done their work. They had tested the opinions of the House. They had gone, with the debates upon them, to the country. They would go to England, and even if rescinded, the very coercion under which the act was done would illustrate the overweening power of the upper branch and the defective constitution of the country. He would not rescind the single resolution complained of, or admit that the charge it preferred was unfounded. He would move to rescind the whole, and then ask for a committee to prepare an address to the Crown upon the state of the Province. What that address would contain was matter for after consideration when the revenue bills had been passed. The resolutions were rescinded, the revenue bills secured, and within a few days of the close of the session an address was reported and passed which embodied all the resolutions, and elicited those very important despatches from Lord Glenelg which were laid on the table of the House at the next session.

The dexterous manner in which this blow was parried and the Council beaten with their own weapons raised the reputation of Mr. Howe. Friends who had hitherto only given him credit for boldness and fluency in debate thenceforward relied with great confidence upon his skill and prudence. His opening speech on this occasion is as follows:

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I feel that we have now arrived at a point which I had to a certain extent anticipated, from the moment I sat down to prepare the resolutions. I had presumed, judging from what had occurred in times past, that by the time those resolutions and the debates upon them had gone abroad, some such message as that which had just been read would be presented at the bar. Whether any portion of the resolutions, or the indignant expressions of members against the corruption of the local government, would be seized upon as the subject, I could not of course divine; but the position in which we are now placed does not take me at all by surprise. In England the rights and powers of the different branches of the government are so beautifully balanced, and the control of the popular branch is so supreme over all the others, that the Commons can afford to be respectful, and as no such dangerous combination of powers exists in the Lords, they naturally chasten the language in which the character and acts of that body are spoken of in the Lower House; and the consequence is that such collisions as these, arising out of mere expressions, rarely if ever occur. Here the case is different;—of such a body as our second branch, it is difficult to speak in terms that will not be offensive; and the Commons, in endeavouring to represent to the Crown the reasons which render a reform of the Council indispensable, are compelled, in order to state the truth, to depart from the measured tone of parliamentary language. But it is of little consequence upon what point His Majesty's Council have seized; I felt assured that they would not lose an opportunity of again exercising the coercive power they possess over the Assembly, nor of embarrassing, if possible, the onward march of reform. On a former occasion they thought proper to take offence at a humorous speech made by Mr. Halliburton, in which he compared them to twelve old ladies, and by the power they possessed over the revenue and supplies, compelled the House to bring him to the bar for censure. On that occasion the House was forced to do an act which the learned member from Cumberland declared the other day he would cut his hand off rather than do again. Bearing this in mind, and well knowing that there are many points in these resolutions which would touch them home—that they do not like the spirit of reform that is abroad—that the language of the debates would startle and annoy them, I anticipated some such step, though of course I could not calculate on the manner or the time. Their power to coerce the House into almost anything was undoubted. In England, the Commons could influence the other branches, from the power it possessed over the revenue and supplies. Here the Council could and did often coerce the other two, nearly all our salaries being provided for by permanent Acts, and the only services that could suffer being those upon which the people themselves relied. It was the deep conviction of this fact that made me so anxious to press the real state of the colony on the Government at home; that we should, while asking for changes, state the reasons which rendered them necessary. Sir, those reasons have gone forth in the resolutions and discussions of this Assembly; and if I can trust the opinions expressed in the

interior, they have found an echo from one end of the Province to the other. But now that we have stated facts which our records prove, which the country sanctions, which a majority of this Assembly believe, now that we have expressed a determination to explain to the Sovereign the real character of the abuses under which we labour, His Majesty's Council turn round and tell us, You shall do no such thing, or if you do, we will do no business, the revenue shall go down, and the roads, bridges, and other essential services, be left without any provision. The loss of £40,000 is to be the penalty for telling our King the truth. Can any man doubt their power or their inclination to protect themselves at this cost to the country? Whatever others may think, I believe them mad enough to do anything to keep up the system which they feel is tumbling about their ears. For a ludicrous speech they would have sacrificed the revenue and plunged the country into confusion. On that occasion the House succumbed. But at a subsequent period, when they made a daring attempt upon the most sacred privilege of the Commons—the right to regulate the supplies—the House resisted: and you know well, sir, what was the consequence. They persisted, though every principle of parliamentary usage and common sense was against them; some £40,000 were sacrificed, and when the new House met they found an empty treasury. I regret that it did not then follow up the attack which we are conducting now; but it sank back into the same state of passive obedience and the consequence is that you are now as much at the Council's mercy as you were then.

With a knowledge of these facts, being aware that whether you made attacks upon them, or they upon you, they could insult and coerce this House whenever they pleased, I was quite prepared for this demonstration of their disposition and their power. The question is now, whether you will comply with the Council's demand, or lose thirty or forty thousand pounds together with all your appropriations. It will be remembered that we have already stated, in one of our resolutions, the powerless condition of this Assembly; we now give to the country a practical illustration. I have said throughout this debate, that while pressing reformation by every means in my power, I was determined to preserve the revenues of the country. I say so still;—I will not sacrifice them to gratify His Majesty's Council. But it may be said, What is to be done? And I answer, Sacrifice neither the revenue nor the cause of reform. In dealing with an enemy who is disposed to take us at disadvantage, like politic soldiers, let us fight with his own weapons. Early in the session we sent a respectful remonstrance to the Council on a subject deeply interesting to our constituents; an answer was returned, which I believe all felt to be an insult, but we had no means of redress. They then denied our right to advise them; they now forbid us to advise the Sovereign, to tell him what a large majority of this House believe. I shall advise the House to no course which shall impeach the truth or justice of these resolutions; but I will remove the difficulty in point of form, in order to save our revenue. The country will understand at a glance the position in which we are placed and the motives by

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which we are actuated, and I wish the Council joy of the triumph they are likely to obtain. Whether we advance or recede for a moment is of little consequence; the people all have confidence in those who are struggling for their rights and appreciate their motives. I have no fears that even if we were to take the extreme steps now sought to be forced upon us, we should be sustained; when, on a former day, you, sir, stood forward to resist the encroachments of that body, they had you at great disadvantage;—the people were comparatively ignorant; there was no organized public opinion in the country. But now, thanks to the press which some gentlemen abuse, the people are keenly alive to the doings in the capital; and I believe that if we were disposed to send back an indignant rejection of the message and a dissolution followed, there is not a man of the majority that would not be returned. My own constituents I know would support me; and therefore in taking the step I propose, it cannot be supposed that we are influenced by any consideration but a desire to protect the interests of the Province.

The Council ask us to rescind a particular resolution; I am prepared to give more than they ask and to rescind them all. This done, they cannot refuse to do business and the revenue is secured. But I shall follow up that motion by another, for the appointment of a committee to draw up an address to the Crown on the state of the Colony. As respects the resolutions, they have done their work; they have elicited the opinions of this House, and thereby told some wholesome truths to the Governor, the people, and the Council themselves. They will go home to the Colonial Office, and their language cannot be mistaken. All the threats of His Majesty's Council cannot destroy their effect. The form which rescinds them upon our Journals is of little consequence, forced upon us as it is in the threatened destruction of the revenue, by the very body they are directed against. In advising this course, I am prepared to take my own share of responsibility—I wish I could take it all. I will not, while seeking a great good, permit His Majesty's Council to do a great evil; nor allow them by an infliction on the country to throw discredit on the cause of reform. I will not apologize or withdraw one, but will, if a majority are so disposed, rescind the whole. The whole matter will then be intelligible to the Governor and the country. But I will not stop here. It is not for me to say when a committee is appointed what the address shall contain; but I presume that having these resolutions before them and knowing what a majority of this Assembly think and feel, they will do their duty, and prepare such a document as will attain the objects for which we have been contending, and which the people have so much at heart. In England, if differences arise between the two branches, the Crown stands as arbiter between them; here, even if the Governor were disposed to side with the Commons, to prorogue for a week in order to obviate difficulties, he like ourselves is coerced by the upper branch who are his advisers, and thus, as an Executive Council, they can cover and support their own folly as a Legislative Assembly.

Mr. HOWE concluded by moving the following resolution, which he believed was the only one that would save the revenue, turn the tables on the body that had assailed them, and effectually serve the cause of reform :

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Resolved, That the standing order of this House which requires previous notice of rescinding resolutions, be temporarily suspended ; and that the several resolutions passed by this House on the 27th and 28th February, and the 2nd and 3rd March, relative to the Constitution of this Colony, the distribution of patronage, the structure of His Majesty's Council, and the disposition evinced by some of the members of that board to protect their own interests and emoluments at the expense of the public, and for preparing an address thereon, be, and the same are hereby rescinded.

We take from the debates of this session a speech, delivered February 3rd, in reply to Mr. Lewis M. Wilkins, who was one of Mr. Howe's earliest assailants. During the long period which elapsed between their first encounters and their honourable alliance in support of the railway policy of 1854, there were between these gentlemen many keen encounters of wits and manly passages-at-arms. Mr. Howe said :

I trust that the House will do me the justice to acknowledge that if the debate has taken a wide range it is not my fault. I have no wish to occupy attention with extraneous matter, not directly bearing on the bill before the committee. But, in my place, I have been challenged to come forward and find any fault with the last House ; and in answer to that appeal I have been compelled to touch on a variety of topics, from all allusion to which at this time I would willingly have refrained. Though I claim none of the honours, nor am chargeable with any of the sins, of the writer to whom the learned gentlemen have referred, I have always been prepared to express my own views of public affairs, in proper time and season, and to defend them ; but some gentlemen have seemed disposed to embrace in this discussion everything in the whole range of history and politics. The honourable and learned gentleman from Windsor has even gone into a dissertation on the different political parties which exist in the mother country, with a view to draw invidious contrasts between some of them and the reformers in this House ; but I think it would not be difficult to make that gentleman a little ashamed of the party to which he himself may be said to belong, by a short review of its political history—a party that has steadily and selfishly opposed all those great and glorious improvements which have been recently carried, and which have made our mother country prosperous at home and loved and respected by the world. For years and years that party upheld the slave trade ; and when it was proposed to abolish slavery in the British dominions, they denounced and

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opposed the Act which was to strike off the shackles of eight hundred thousand human beings, and raise them to the rank of freemen. And when a whole nation prayed for liberty and justice—when seven millions of human beings, after centuries of degradation and oppression, asked, as they had a right to ask, for an equal participation in the blessings of the Constitution and the laws, they were opposed year after year by that party, who never yielded their unjust monopoly until it was wrested from them by the combined efforts of the people they wished to enslave. That party, too, sir, were the staunch and unblushing defenders of the rotten boroughs of England. Lightly as we may estimate a seat in this Assembly, what would we think of those who desired that they should be bought and sold like cattle in the market? Yet, this was done in England, and the practice was pertinaciously defended by the party to which the learned gentleman from Windsor is so anxious to belong. Then, sir, in almost every town in the three kingdoms there existed a rotten corporation, which levied taxes at their pleasure, spent them as they pleased, mismanaged public affairs, and preyed on their peace and their industry; but these were also by that party revered and upheld. These rotten boroughs and corporations—these millions of serfs and slaves, were regarded by the learned gentleman's friends as the outworks of the Constitution; they prophesied that without them Great Britain could not exist; and they denounced those who differed with them in opinion as the disturbers and enemies of the country. And, sir, I am not now to learn that the more striking features and lineaments of the great parties which exist at home are to be found in all the colonies. In almost every Province there are to be found two parties, actuated by antagonistic principles. On the one side we find the great mass of the people, who are contending for a system of rational and economical government; and on the other a small and impudent minority, who, for selfish ends, and for purposes of personal or family aggrandizement, are desirous of keeping all power in their hands, that they may divide among them the public resources. And is it because some of us in this House have called attention to the operation of these opposing principles and parties, as they affect our own Province, that we are to be characterized as heedless innovators—as disturbers of the public peace—desirous of promoting irreligion, disloyalty, and dissension? It has been said that I come here fancying that I speak the voice of the country. Sir, I am not mad enough to presume so far. I come here as the representative of one portion of the people, to reason and deliberate with those gentlemen who represent the rest. When we ask that all religious bodies shall be put upon a fair and equal footing, when we show that one-fifth of the population supplies two-thirds of one branch of the Legislature, besides having their religious representative at the Council board, and that the patronage of the country is distributed in the same proportion, shall we be told that these things are not unjust and improper, that they are not insulting and practically injurious to the great body of the people? Shall it be said, where are the proofs of injustice—where the necessity for change? Members of His

Majesty's Council make laws, administer them, and advise their execution ; and yet, if a complaint is uttered, there must be charges of radicalism and disaffection. Besides this strange combination of powers, the seven years' existence of the Assemblies gives them an opportunity of corrupting and influencing members of the popular branch ; and it is because the bill before the House will remedy that evil, by giving the people an opportunity to dismiss them when they become corrupt, that I give to it my cordial support. As respects the Council itself, I am free to confess that the studious selection of a majority of its members from one class of the people is a grievous absurdity, and so it is felt by gentlemen all around the House. That they are all, with one exception, selected from this town, is equally unjust. Is it fair that the business of the whole Province should be discussed and decided by twelve gentlemen, some of whom have rarely been outside the town ? And when bills abolishing the illegal exaction of one thousand pounds per annum, taken by the judges in the shape of fees, are year after year "burked" in the other end of the building, by a body over which presides a gentleman largely interested in that exaction, is it unfair to attribute to him some agency in their destruction, or to wish that he had not been placed in a situation where his public duty interferes so much with his private interests ?

I have thus hastily sketched, sir, the leading features of the parties to which the learned gentleman from Windsor and myself belong ; and I have endeavoured, so far as my recollection serves me, to answer all the arguments he has adduced. If I have forgotten any of them I am extremely sorry ; but perhaps, by this time, the learned gentleman regrets that he had not forgotten some of them himself.

On the 30th day of March the revenue bills were assented to by the Lieutenant-Governor, and by the middle of April the public business was drawing to a close. All danger from collision was now over, and on the 13th Mr. Howe rose to move the Address to the Crown which he had on a former day reported from a select committee. A desultory debate followed the motion, and there were divisions upon almost every clause. But men's minds were by this time made up, and the pressure of public opinion outside kept those within who might have been disposed to waver (and there were some), steady. The Address was carried through the House nearly word for word as reported.

We take from this debate a short speech, delivered on April 13th, in which Mr. Howe compares the old Council of Twelve with the House of Lords, and illustrates the extent to which the former exercised irresponsible power :

I would not occupy the time of the House for a moment, did I not feel that it is essential for the people to understand the true bearing of some of

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the points which have been touched on in this discussion. I do not believe that there could be any very wide difference even between the learned gentlemen opposite and me, if we thoroughly understood each other; they and their children, equally with me and mine, are deeply concerned in the good government of the country. The learned member from Windsor has referred to Sir Robert Peel's speech at Glasgow, to prove that the peers are only responsible to God and their own consciences; but I fear that in this world of sin and sorrow, it would not always do to leave any body of human beings with no other restraints. It was quite true that, standing on their hereditary rights, the peers are not directly responsible to the people of England; but still they are subjected to various influences that the people have the power to direct upon them, which has rarely failed to secure any measure upon which they have set their minds. The ministry is created by the people, because the support of a majority of their representatives is essential to its existence; and the moment a Cabinet is formed, it holds in its hands the patronage of the whole empire; of the army, the navy, India, the Church, the colonies; so that this very patronage gives to the Government, created by the people, the means of extended influence in the upper branch. The bench of bishops, which forms a part of it, looks out for richer sees; and many a noble lord consents to change his opinions, in order to secure for himself or his family some of the great offices in the minister's gift. Then the ministers can advise the Crown to create new peers, and the dread of new and extensive creations always has its effect. It was thus, that upon great measures, such as that of Catholic emancipation, the obstinacy of the Lords was gradually sapped. In some cases, of course, the Lords yielded to decided expressions of public opinion, but when they did not, the people had the power of ultimately compelling them to yield.

The power to swamp the peers is one never acted upon. [That, said Mr. UNIAKKE, is possessed by the King.] True; but the King in England has as little power as his picture has in our Council chamber. He does what the ministry advise, and the ministry are the creations of the people. Now, the difference between our Government and that of England lies in this; that while there the Cabinet, created by the people, has all these means of influencing the upper branch, here, the upper branch is itself the ministry, and possesses this advantage over others, that the people cannot turn them out. But the learned member from Cape Breton says, we also can apply to our Sovereign to displace them, or make additions. There is this distinction. We would have to apply to a Government not created or influenced by the people who feel the grievance; and we have no security that redress will be obtained. I am not desirous to debate these matters over again. I make these observations without temper; indeed, more in sorrow than in anger, to illustrate the defects in our system, and because I feel that some of these distinctions are but imperfectly understood. If I were discussing these points with the Colonial Secretary, I might be disposed to enlarge on the hardships arising out of the

system ; but, addressing my countrymen, who are all, equally with myself, deeply interested in the establishment of good government, I cannot but hope that, though often in the ardour of debate apparently opposed, we would yet unite in endeavouring to secure a rational and responsible system.

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It is curious to look back and see how far the colonial reformers of this period were in advance of the department to which our affairs were entrusted, and of the great majority of the members of both Houses of Parliament without distinction of party. In March, 1837, the whole subject of Colonial Government came up in the House of Commons, and was discussed at length. Ten resolutions were passed, having especial reference to the affairs of Canada. Among them we find this positive denial of responsible government :

Resolved, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that Province.

But fifty members of the House of Commons could be induced to vote against this resolution. The receipt of it here, in the midst of the session of 1837, was not calculated to strengthen the hands of the reformers. Mr. Howe, referring to these proceedings in Parliament, was asked across the floor if he wanted an Executive Council "directly responsible to the people"? His answer was, "Certainly." If the only responsibility that learned gentlemen wanted, or the Government was prepared to concede, was the old story of responsibility to a Colonial Secretary three thousand miles off, with an appeal to Parliament once in twenty years, it was vain to talk about the matter. If this were the beginning, instead of the end of the session, he would feel it his duty to call the attention of the House to some of the opinions expressed by Lord Stanley and others, in this debate, for they were such as ought to be protested against by every intelligent colonist. If such doctrines were to be acted upon for ever, if there were to be in the colonies nothing but a mockery of the British Constitution, he would feel disposed to quit the country and go to England ; if liberty and responsibility were to be confined to the British Isles, he would go and live where they were enjoyed. As to the objection to a responsible Executive Council, there really was nothing in it ; there was not one measure in a hundred proposed in the colonies that could possibly conflict with the interests of Britain, and when they did, of course they could only be responsible

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within the limits of the imperial Acts and the Governor's instructions.

We insert the Address as finally carried through the House, and sent to the foot of the throne.

TO THE KING'S MOST EXCELLENT MAJESTY.

*The humble Address of the House of Representatives in General Assembly,
for the Province of Nova Scotia.*

MAY IT PLEASE YOUR MAJESTY :

We, your Majesty's dutiful and loyal subjects, the representatives of Nova Scotia, while approaching the throne to ask for a redress of grievances, tender the assurance of the unabated attachment of those we represent to your Majesty's person and government. The people of Nova Scotia, when anything trenches upon their rights, or retards their prosperity, turn to their Sovereign, as the father of all his people, wherever their lots may be cast, and whose affection is not diminished by distance, nor bounded by the four seas of Britain, but extends to the most remote limits of his empire; rearing, wherever practicable, institutions favourable to freedom, and fostering that love of justice—that nice sense of the relative duties of the government and the governed—which distinguishes the parent State. Nor is their confidence in your Majesty diminished by the reflection that in early life you visited Nova Scotia; and, in maturer years, have sanctioned those vast reformatory changes at home which embolden them to seek for a revision of their institutions, and the introduction of those checks and guards, without which they feel that private happiness and public liberty can never be secure.

In the infancy of this Colony its whole government was necessarily vested in a Governor and Council; and, even after a representative Assembly was granted, the practice of choosing members of Council almost exclusively from the heads of departments, and persons resident in the capital, was still pursued; and, with a single exception, has been continued for the last thirty years. The practical effects of this system have been in the highest degree injurious to the best interests of the country; inasmuch as one entire branch of the Legislature has generally been composed of men, who, from a deficiency of local knowledge, or from the natural bias incident to their official stations, were not qualified to decide upon the wants or just claims of the people; by which the efforts of the representative branch were, in many instances, neutralized, or rendered of no avail.

Among the many proofs that might be adduced of the evils arising from the imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the outports the advantages of foreign trade; to the enormous sums which it was compelled, after a long struggle, to resign, for the support of the Customs establishment; to the

difficulties thrown in the way of a just and liberal system of education ; and to the recent abortive attempts to abolish the unconstitutional and obnoxious fees taken by the judges of the supreme court.

While the population of this Province is composed, as appears by the last census, taken in 1827, of twenty-eight thousand six hundred and fifty-nine members of the Episcopal Church, and one hundred and fifteen thousand one hundred and ninety-five dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council have secured to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at the board. They have now in that body nine members. The Presbyterians, who outnumber them by about nine thousand, have but two ; the Catholics, who are nearly equal, but one ; while the Baptists, amounting by the census of the same year to nineteen thousand seven hundred and ninety, and the Methodists to nine thousand four hundred and ninety-eight, and all other sects and denominations, are without any of their members in a body whose duty it is to legislate for all. The Catholic Bishop has no seat at the Council board, and clergymen of that and other denominations are, as they ought to be, excluded ; yet the Bishop of the Episcopal Church has been, since the year 1809, and still is, a member.

Your Majesty will readily perceive, that, whether designed or not, the mere circumstance of one body of Christians having such an overwhelming influence in the Legislative and Executive Council has a tendency to excite a suspicion that, in the distribution of patronage, the fair claims of the dissenting population, founded upon their numbers, respectability, and intelligence, are frequently overlooked. This is not the only objection urged by the people of Nova Scotia against the composition of the Council, and to which it is our duty to call your Majesty's attention. Two family connections comprehend five of its members, and, until very recently, when two of them retired from the firm, five were copartners in one banking establishment ; to this latter circumstance has been attributed the failure of the efforts of this Assembly to fix a standard of value and establish a legal currency.

The people of this Province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines ; as also the amount of the old Crown duties. The lands of the Province are in effect mortgaged to pay to the Commissioner a salary out of all proportion to the duties he is called on to perform. Since his appointment in 1831, £5624, 8s. 10d. have been received on account of one hundred and seven thousand nine hundred and twenty-three acres of land sold ; and the whole amount, except £216, 8s., has been taken to pay the Commissioner and defray the expenses of the department ; while all the mines and minerals of the Province are held under a lease for sixty years by a wealthy English company, without the consent of, and independent of all control by, the representatives of the people.

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Apart from the mere question of judges' fees, this Assembly is convinced that the presence of the Chief-Justice at the Council board has a tendency to lessen the respect which the people ought to feel for the courts over which he presides; while the position occupied there by the collectors of customs and excise is also unwise.

Though this Assembly might illustrate the evils arising from the structure of the Council by other examples, sad experience has taught them that it is not always safe to attempt to convey to the foot of the throne representations that are disagreeable to its members. A year's revenue and all the appropriations were sacrificed in a protracted struggle with the upper branch in 1830; and, during the present session, the Assembly found itself compelled, by a regard to the public interest, to rescind a series of resolutions passed after grave deliberation, and comprehending many of the topics touched on in this Address. The evils arising from the structure of the Council are heightened and rendered more injurious by the practice adhered to by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England, that of the Legislative Councils of Lower Canada, New Brunswick, and Newfoundland, and notwithstanding the murmurs and complaints of the people, for a long series of years, and the representations and remonstrances of this Assembly.

While this House has a due reverence for British institutions, and a desire to preserve to themselves and their children the advantages of the Constitution under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that Constitution, the genius of those institutions, is complete responsibility to the people, by whose resources and for whose benefit they are maintained. But in this colony, the people and their representatives are powerless, exercising upon the local government very little influence, and possessing no effectual control. In England, the people by one vote of their representatives can change the ministry, and alter any course of policy injurious to their interests; here, the ministry are your Majesty's Council, combining legislative, judicial, and executive powers; holding their seats for life, though nominally at the pleasure of the Crown and often treating with indifference the wishes of the people and the representations of the Commons. In England, the representative branch can compel a redress of grievances by withholding the supplies; here, they have no such remedy, because the salaries of nearly all the public officers being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under imperial Acts, a stoppage of supplies, while it would inflict great injury upon the community, by leaving roads, bridges, and other essential services unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few subordinate officers of the Government.

As a remedy for these grievances, we implore your Majesty to grant us an

elective Legislative Council; or to separate the Executive from the Legislative Council, providing for a just representation of all the great interests of the Province in both; and, by the introduction into the former of some members of the popular branch, and otherwise securing responsibility to the Commons, confer upon the people of this Province what they value above all other possessions, the blessings of the British Constitution.

A very elaborate defence of the old Constitution, and of their own conduct collectively and individually, was prepared in the form of an address and observations, and forwarded by His Majesty's Council to the Colonial Office, with a very strong expression of the Lieutenant-Governor's opinion in their favour. A committee of Council, it was however announced, had been appointed, to suggest such alterations of the chamber as might be required on the admission of the public.

In the course of the summer, a set of resolutions calling the attention of His Majesty's Government to the grievances under which the Province of New Brunswick laboured, was passed by its popular branch. There is one of the series which provokes a smile at the present time, in which, while the House asserts that "the Executive Council should be composed of persons possessing the confidence of the country at large, and that the cordial sympathy and co-operation of that body are absolutely indispensable to the existence of any system of administration," yet that the House "should repudiate the claim set up by another colony, that the Executive Council ought at all times to be subject to removal, on address for that purpose from the popular branch of the government."

So novel did this "claim" for responsible government appear, even to the leading politicians of our sister Province, in 1837. They were content to ask for and accept such modifications and changes as might meet the requirements of the hour, but did not perceive that without the establishment of modes of redress and reformation applicable to all times to come, there was no security for the wise administration of public affairs.

In the course of this summer, over-trading and extravagance having produced a commercial crisis, specie payments were suspended by all the banks throughout the United States and Canada. It was feared by some that those of Nova Scotia would be compelled to follow the example. Past experience had, however, taught us a useful lesson, and saved the Province from participation in this

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general disgrace. Our banks held fast to their integrity, and continued to redeem their notes, notwithstanding the absurd anticipations of those who declared that if they did, gold and silver could not be kept in the country. We record this gratifying fact, not only to illustrate the value of preceding discussions, but to show to our countrymen the folly of any departure, however great the peril or the temptation, from sound principles of finance.

Though the twelve resolutions submitted to the House by Mr. Howe on the 16th of February were rescinded, on his own motion, on the 8th of March they had, as he anticipated, done their work. Having been transmitted to the Colonial Office by Sir Colin Campbell on the 30th of April, all the points raised by them were considered and discussed by Lord Glenelg in an able despatch, which will be found in the journals of the House of Assembly, 1838, Appendix No. 2. The Address itself elicited another despatch on the 6th of July, written in the same spirit. If nothing remained on record but these two despatches to illustrate Lord Glenelg's colonial administration, they would prove how unjust was much of the abuse heaped upon that nobleman in the party struggles of the period, and how thoroughly upright and outspoken he was in his dealings with colonial questions.

Within a twelvemonth Mr. Howe had borne no light amount of obloquy and suspicion. His resolutions had raised a storm of declamation from one end of the Province to the other. All those, and they were many, who were interested in the maintenance of old abuses, were uncompromising in their opposition and not very choice in their language.

What rendered his position throughout this year more trying and delicate was the unquiet condition of Canada. It required no ordinary nerve in a man legitimately seeking to reform the institutions of his country by peaceful and constitutional means, to withstand the ready argument, drawn from armed insurrection upon the border, that such results must naturally flow from all political agitation. Mr. Howe had withstood it. He had baffled the most skilful defenders of the old system in the House. He bore up, with unshrinking firmness, against the clamour raised throughout the country. When the Canadian insurrection broke out, he defined his position with precision, and by the publication of his letter¹ to Mr. Chapman proved that he had forewarned the Canadians, and

¹ *Ante*, p. 84.

had predicted the failure of any armed resistance to the Queen's authority. When these despatches were brought down he had his reward. The Sovereign's "cheerful assent" was given to "the greater part of the measures" which he had "suggested," "convinced that they would be conducive alike to the honour of the Crown and to the welfare of his faithful subjects."

These despatches were received in August. They were not shown to Mr. Howe, but negotiations were opened with him by Sir Colin Campbell in a somewhat informal mode, it being intimated that certain information was required, in the event of His Majesty's Government making concessions to the Assembly. It had been represented to Sir Colin that the materials did not exist in the country for a more extended basis of government, should distinct Councils, for the discharge of executive and legislative functions, be conceded. Mr. Howe met this objection by forming two complete Councils upon paper, honourably disposing of every member of the old one by giving him a seat in either one Council or the other, drawing in leading men from all the important sections of the country, the whole being so arranged as to fairly represent all the great interests theretofore excluded, and give very general satisfaction. These lists included the names of several gentlemen subsequently honoured with Her Majesty's mandamus, some of whom afterwards (unaware of the fact perhaps) very stoutly opposed the person who first brought them to the notice of the Executive. When these names were submitted, Sir Colin remarked to Mr. Howe that he had omitted his own. He replied that he wanted nothing for himself, but would be content with any arrangement that would give satisfaction to the country.

There was no desire to give satisfaction. On the 26th of August a despatch was forwarded to Lord Glenelg, containing "the plan for a Civil List, to be proposed to the Legislature of Nova Scotia, on the surrender to them of the appropriation of the casual and territorial revenues of the Crown, and also containing certain suggestions as to the future composition of the Executive and Legislative Councils." Nothing could be more artfully evasive than these "suggestions," nothing more frank and honourable than the manner in which Lord Glenelg, after reiterating the broad principles already laid down, and enforcing others which he thought should govern the financial questions, submitted to the demand. The Civil List question remained open and undecided for ten years, and was only adjusted when the

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reformers came into the administration, in 1848. *The Gazette* had no sooner appeared which contained the names of the new councillors, than it was apparent that His Majesty's gracious intentions had been utterly disregarded, and Lord Glenelg's instructions violated in a manner the most adroit. We shall presently proceed to show how the new arrangements were regarded in the Assembly.

CHAPTER V

1838

Speech on the progress of Reform—Speech on the Civil List—Address to the Crown—Insurrection in Lower Canada—Speech on Canadian affairs—First visit to England—"The Nova Scotian in England"—Letter to Lord Glenelg on steam navigation—Sir George Grey's reply.

AT the opening of the session of 1838 it was apparent that very important advances had been made in the science of colonial government. There was a Legislative Council, including nineteen members, sitting with open doors. The first debates of that body appear in the newspapers of this year. There was an Executive Council consisting of the old number of twelve, charged after a fashion with the administration of affairs. But the appointments to the former had been so arranged as to preserve all the old influences intact. It was impossible to conceive of a body more antagonistic than it was to the feelings of a majority of the popular branch and to those of a great majority of the people. Four members of the Executive sat in the Lower House, and two or three in the Upper; but they acknowledged no responsibility to the Commons. It is curious to look back and recall the crude ideas which prevailed at this period. In the Assembly on the 29th of January—

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Mr. MORTON put a question to the Hon. Mr. Uniacke, whether he could inform him when the Lieutenant-Governor intended to lay before the House the despatches referred to by him in his speech at the opening of the session?

Hon. Mr. UNIACKE replied, that he supposed His Excellency would do so when he thought fit.

Mr. MORTON had not expected to receive such a pert answer. He conceived that he had asked a very proper question, and that he had a right to put it to the honourable gentleman as one of the Executive Council.

Hon. Mr. UNIACKE said that when the resolutions passed last year they had contemplated that some members should be chosen as Executive councillors; but he did not consider himself sitting in the House in any ministerial capacity, nor was he bound to support the measures of the Government. Notwith-

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standing his connection with the Executive, he should always advocate the rights and advance the interests of his constituents, and the people at large, with as much boldness and independence as ever.

Mr. HOWE said that it was certainly contemplated when the House wished that some members of the popular branch should be appointed to the Executive Council that they should assume some degree of responsibility. It would greatly facilitate the business of the Legislature to have some gentlemen at hand to whom they could look for information respecting the views of Government. He thought the question put by the honourable gentleman from Cornwallis one that had very naturally occurred; he hoped the honourable councillors would in future be prepared to answer such questions. He certainly hoped that the gentleman recently appointed would on reflection be prepared to assume responsibility to a greater extent than the learned member from Cape Breton appeared to contemplate.

Hon. Mr. UNLACKE had misapprehended the import of the question of the honourable gentleman from Cornwallis, and he hoped he would allow him to beg his pardon. Just at this moment, the Hon. Sir Rupert D. George made his appearance before the bar of the House with the despatches already printed, the reading of which occupied the House till a late hour and excited a very general interest.

To the following conversation, which took place on January 30th, we may trace the change by which communications are now daily and hourly transmitted through members of the Government, standing in their places, instead of being sent down at rare intervals and delivered in writing at the bar of the House:

Mr. HOWE rose for the purpose of giving a practical illustration of the course he had recommended yesterday to the notice of the Executive councillors who were members of the House. Hitherto, whenever information was required, they had been obliged to send away a committee to Government House, thus withdrawing from deliberation a number of members every day. It would greatly simplify the machinery of legislation and save much valuable time, if these gentlemen would be prepared to answer questions put to them relative to the policy and intentions of the Government and to furnish returns, when required, if there was nothing improper in the application. At the same time he did not wish to impose upon them any unpleasant duty. He would therefore call attention to a request made by the House at its last session for returns of the fees, if any, taken by judges of the inferior courts. But one judge had furnished a return. He would therefore ask of the honourable member from Sydney whether he would see that the others were submitted.

Hon. Mr. DODD had no objection to take the same view of the matter as the honourable gentleman from the county of Halifax. He admitted that some degree of responsibility should attach to Executive councillors. If he should

find anything in the office incompatible with the duty he owed to the rights of the people, he would feel bound to resign it. As to his being a mere organ of communication between that House and Government, he could see no objection, and would be prepared to give an answer with respect to the returns required at an early day.

Honourable Messrs. UNIACKE, HUNTINGTON and DEWOLF expressed similar opinions, but considered themselves as free and unshackled in their representative capacity as before they were elevated to their present honourable situation.

The members of the Executive Council having assumed this very moderate amount of responsibility, the business of the session proceeded until the 8th of March, when Mr. Uniacke, the leader of the new Government in the Lower House, moved certain resolutions for granting a Civil List in exchange for the casual and territorial revenues, when a curious illustration was given of the harmony existing in the new Cabinet. Mr. Huntington, his colleague, who was the only member representing the parliamentary majority taken into it, stoutly opposed the resolutions and moved others in amendment. Mr. Huntington's resolutions were carried, the propositions which had the sanction of the other eleven members of the Government being defeated. While this subject was under debate, another singular instance occurred of the want of skill and knowledge by which colonial affairs were at that time managed. It was announced that, by some informality, the two Councils, which had been conducting public business for half a session, had ceased to exist; and it was presently discovered that the new commission just issued to Lord Durham as Governor-General had been framed without reference to the instructions issued to Sir Colin Campbell. The numbers even did not correspond. By Lord Durham's commission, the Executive was limited to nine, and the Legislative Council to fifteen members. The two Houses were prorogued. The two Councils were dissolved, and two others, by proclamation, appointed in their stead. Three gentlemen called up to the Executive, and five appointed to the Legislative, had to be put aside. A bill was introduced to legalize and confirm the legislative proceedings up to the time when they had been so suddenly suspended. When the new councillors were gazetted, it appeared that Mr. Huntington, the only Liberal in the Executive, had been left out, and that the Legislative Council contained a packed and determined majority hostile to responsible government and to the policy of the majority in the lower House. It was not to be expected that a politician as acute as Mr. Howe had shown himself to be, would, with Lord Glenelg's despatches in his

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hand, calmly acquiesce in their flagrant violation. In a speech delivered on March 9th, in the debate on the Civil List, we find Mr. Howe defining with some precision and an air of pardonable triumph, what had, up to that time, been gained :

The time has now arrived, Mr. Speaker, when every member should state his opinion on this subject. The House has either one of two courses to adopt;—to go fully into the question in its present state, or to wait until a bill shall be brought in and then to have a laboured discussion which might come better in an earlier stage. The former seems to be the mode chosen by the members and perhaps it is every way the better one. I had supposed, sir, as these despatches had come out in answer to the Address of last year, in which I took rather a prominent part, that perhaps it would have been left to some of those who acted with me on that occasion to call the attention of the House to the questions they involved, and to submit a general measure embracing an answer to the whole. I do not complain, however ; the course pursued has, perhaps, naturally arisen from circumstances.

I felt, sir, that we could not go into the question of the Civil List until the judiciary was arranged ; and the intention was, after that should have been disposed of, and the fate of the bill on the subject should have been ascertained, to give notice that a general view of these despatches would be submitted to the House. I do not complain, and am rather glad that the present course has been taken ; it matters little how the question comes, so that it is brought to the consideration of the House. I feel, however, that we are not in as good a position to deal with the subject as if we knew the fate of that bill,—as if we knew whether the country was to have eight or six or seven judges. If that bill were on the table, we could go more satisfactorily into this question ; but I am contented to take the discussion as I find it, and will trouble the House with a few remarks on the subject in the shape which it has now assumed.

The honourable gentleman from Cape Breton, sir, has called attention to only one branch of these despatches, and to that we should now chiefly confine our observations. In framing his propositions and submitting them, I only regret that he did not do justice to the spirit in which these documents have been conceived and to the language in which they are expressed. They are documents, sir, such as we have not been accustomed to receive in this colony and are of the most important character. They breathe a spirit, which, if it had influenced the transactions of the last twenty years, would have saved much evil and produced much good ; which, as long as it exists, will perpetuate good feeling between the mother country and her dependencies. It makes me feel, sir, not as we have often felt, hampered and trammelled, but that Britons here have the same rights as Britons at the other side of the Atlantic.

Let us turn, sir, for a moment, to what occurred at the last session. Respecting the Address, the Council had the last word, or, as legal gentlemen

would term it, the benefit of "the reply." The Address was sent and the members of the House separated to their several homes, when the other branch forwarded their celebrated observations in answer. The House had no opportunity of rejoinder; but as an individual I felt strongly inclined to review those documents. After being somewhat rested from the labours of the session, I sat down to the perusal of the observations. I endeavoured to divest my mind of all prejudice and angry feeling and to come to their consideration as a dispassionate Englishman would, who desired to judge calmly of the subject, whose duty it was to try the cause, to decide the issues then pending between the Council and Assembly. Having read them, I cast the pen aside, feeling that they might very safely be allowed to go for what they were worth, and that no review was necessary. We now see how they were received at home. While the most important points of the Assembly's address were taken up in an excellent spirit and have been liberally answered, the observations of the Council, so far as I can learn, have not been deemed worthy of any notice. Into these questions I am not disposed to go at length; the results of the Address may demand future consideration, but at present our ground is limited.

It may be as well, in the first place, to inquire in what our position varies from that of last winter. I think that every man who hears me will feel that we have made a considerable advance and that much ultimate benefit will be the result. What then have we gained by the labours of the last session? In the first place, we have received the thanks of our Sovereign for bringing to his notice "measures which are alike conducive to the honour of the Crown and the welfare of his faithful subjects inhabiting this part of His Majesty's dominions." That was the answer, notwithstanding all the denunciations of the course pursued by the majority at the last session. The next advantage is the separation of the Executive and Legislative Councils. This is a very important change; the second Legislative branch is now larger and more popular and, I trust, will be much more satisfactory in its transaction of public business. Then the Chief-Justice has been shut out from both Councils, and this secures the entire separation of the judiciary from the contamination of party politics. Next, we have four members of the popular branch in the Executive Council, doing business in this House under some responsibility, although not to the same extent that the British ministry is responsible. That body is much more popular than when it sat in its double capacity at the other end of the building. Its members mix with the people's representatives, they represent the people themselves, they are in the midst of popular feelings and expressions,—

"Can one pass through the bright Arabian vales,
And not bring thence some perfume?"

And can these gentlemen breathe the popular air, can they hear the rights and wishes of the people freely canvassed in this House, and not carry popular impressions with them into the Privy Council? These are the holds which

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we have on them and which are of a character honourable to themselves and beneficial to the country. The honourable gentleman from Cape Breton may smile, but he feels the force of my remark and must acknowledge that I do not claim too much for this alteration. Last session, the other end of the building contained but *one* gentleman from the country; now there are *nine* in accordance with the representations of the Address. In the last Council we had an overwhelming majority of one religious denomination; now there are eight at least belonging to dissenting congregations. Another advantage which has grown out of the discussions and which I consider of much consequence and next to the laurels gained respecting the Executive Council, is that we have the doors of the other branch open. This has not been accomplished with pickaxes and crowbars as some intimated was the intention, but by pursuing the course which the Constitution and the law sanctioned. We also have the claim of the Assembly of the right to control and appropriate the whole of the public revenue arising in the Province "frankly admitted by the Queen, in the comprehensive and specific form in which it has been preferred"; an admission nowhere, heretofore, to be found on the journals of the House. A former offer indeed might be found, but nowhere was the claim conceded as it is in the documents now on our table. The Crown Land Office also, of which much had been said, is handed over to be dealt with as the Legislature may deem wise. These are important advances, and such as may well claim more than a passing notice.

It might be allowable here to dwell for a moment on the matters which are withheld, as well as on those which are conceded,—to inquire what answers are given to our requests where our wishes have not been complied with and to observe how the spirit of these despatches has been carried out by the local government. I will not now, however, meddle with these things, but will confine my remarks to the financial portion of these documents. Let us examine the question as it appears before the House. [Here Mr. HOWE read the resolutions moved by Mr. UNIACKE.] The second resolution of the honourable gentleman goes further than the Colonial Secretary's wishes; it pledges the House to pay, besides the £8000 per annum, all the sums now chargeable on the Civil List. [Mr. UNIACKE: I think that Her Majesty's Government wish us to grant the £8000 for Her Majesty's Civil List, leaving us to meet other necessary services.] That is an advance on the terms of the despatch, and retains some expenses which evidently may be avoided. The honourable gentleman's whole scheme is founded on the supposition that the revenues will not be surrendered for one penny less than £8000, and that all those salaries must be fixed permanently, which are so stated. I am happy, however, that the House is not embarrassed by supposing that this is an Executive opinion, for we see another honourable member of Her Majesty's Council leading up the opposition on the other side of the question. There is nothing in the despatch, sir, to warrant the apprehension that we are tied down in this manner. From the whole spirit of the communication we may deduce that the question is left

broadly open, to be dealt with here as an enlightened Legislature should deal with such a subject.

In referring to these communications, sir, I am happy to find the men who have done so much for the institutions of Great Britain, breathing into the colonial Councils the spirit of Britons. This despatch comes here, as the minister would send a message to the Commons, not in the spirit of dictation, but informing us that the Sovereign surrenders her casual revenue, and asks in return a just provision for the public officers. As if it were said, "You know the country, its revenues, and resources, and wants; take these revenues for the public service and give a fair return to those who must be provided for by the general Government." I cannot but remark, sir, in this place, that the first of these despatches which arrived was dated in April last; from that time it would appear that certain persons at this side of the water had presentiments of approaching trouble, and the time between that and the submission of the whole subject was occupied in negotiations; in sending notes and memorials to and fro; in forming estimates and in making protests against any reduction. I merely call attention to the fact, and will not turn to the papers for proof; but certainly during the recess, while the members of this House were at their homes, while the House was politically dead, others, who were likely to be affected, were not dead; they were alive and wide awake and very active in taking care of themselves. Accordingly, we find a scale submitted which did not originate with Lord Glenelg; on all that really emanated from the other side of the Atlantic, broad principles are impressed; they are marked by candour, and frankness, and liberality, creditable to those who sent them, and honourable to those to whom they were addressed; but in the skirmish of little notes and memoranda, it was every man for himself, and Heaven for us all. This scale, it appears, is less by £1000 than some other scale sent home and to which the Colonial Secretary alludes in one of the despatches; his keen eye saw at once through the system, and he said, "No; that is too much, I see that it is; I, who have lived all my life in this rich country, who never saw the bad roads and miserable bridges, and the general poverty of Nova Scotia, I see at a glance that the scale is too high, and what must it appear to those more intimately informed of the circumstances of the Colony? I will therefore inform His Excellency the Lieutenant-Governor, that I have omitted from the list of charges several that have been submitted." That is the way in which I read the noble Secretary's communications; and sir, as I read the resolutions of the honourable member for Cape Breton, they go to provide for those very charges omitted by the home Government. I allude to the fact as a guide to the House, and as an evidence of the difference of feeling between officials here and the home Government. I deny, sir, that the question is in any way fixed, either as regards gross amount, or particular sums, by the home Government; neither the spirit nor the language of the despatches warrants such a conclusion.

One paragraph says: "It is not to them a matter of any serious concern,

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whether the salaries to be assigned in the Civil List be of greater or less amount, provided only they are sufficient for the maintenance of the officers in whose favour they are granted in that station of society to which they must belong. I am not only willing to admit, but even anxious to assert that in fixing the amount of official salaries in British North America great frugality should be observed. In countries recently settled it is of moment that moderate and simple habits of domestic expenditure should prevail and should be respected ; nor is there any exception to that rule which I should more strongly deprecate, than one which would enable, if not require, official men to distinguish themselves from other classes by a less strict economy and a more costly style of life." Could any language more plainly intimate that the whole matter was to be fixed in this House? The permanency of some salaries and the adequacy of all for the individual officers according to the society they moved in, seemed stipulated and nothing else. The principles of economy and the simplicity of American society were fully recognized by the noble Secretary ; and I think, sir, that the passage to which I now allude, coming from such a source, is of the very highest importance to this country. The practice has been to bolster up pretensions and to supply so lavishly that persons in office forgot that they were the servants of the country and almost imagined themselves to be its masters. Such a state now, however, is denounced by the Colonial Secretary and "he does not shrink, even in the case of the Lieutenant-Governor, from pursuing to their legitimate consequences the principles to which he adverts." If the first officer of the Province is thus subjected, should this House shrink from applying the same rule to others? The only stipulations are as I have stated, and the permanent provision for some officers seems to be considered of more importance than the exact amounts of their salaries ; it was thought wise that they should not depend on annual votes and should not be subjected to the action of popular influence. "With regard," says my Lord Glenelg, "to the scale of salaries in the preceding list, I must repeat that I am not solicitous to stipulate for any precise amount of remuneration for the various public offices to be included in the Civil List. Her Majesty will expect and indeed strictly require that no such officer should receive any increase of his official emoluments by an annual grant of the Assembly. They should, therefore, be fixed at once at such a rate as may be adequate to the proper maintenance of the officers. If estimated on any other principle they could not be accepted. If estimated on that principle they must not be rejected even though the Assembly should differ from you in opinion as to the amount of the sum which ought to be assigned for the entire support of any one or more of those officers."

The honourable gentleman for Cape Breton has referred to what occurred in Canada. We know what has occurred there. I will not trace back their difficulties, but I confess that their plan of voting salaries for half-yearly or yearly periods is one upon which I always differed with the Assembly of that Province and which I would never wish to see established here. I am willing

to admit that it is right and proper that the Government in every colony should have the executive and the judges permanently provided for, and two other officers also according to my views of the subject—I mean the Provincial Secretary and the Attorney-General. If a majority differ with me on these points, rather than divide with those who may have given the subject more consideration, perhaps I may be tempted to go further than my own opinions incline. The Government should have at least one permanently paid prosecuting officer in every colony, although I admit that the list of those who are to be independent of the influence of the popular branch should be as narrow as possible. The moment that a considerable body is made independent in a colony, they are made its masters; instead of being accountable for their acts, they become as a distinct body with feelings and interests too often at variance with the mass of the people. The subject before the House is one of commanding interest. We have arrived at a point in the history of Nova Scotia, of vast importance, not only to ourselves as the representatives of the country, but to those whom we represent—the people of this colony who have sent us here. We are about to make a wise appropriation of the public money or are about to lock up the funds of the Province unnecessarily in a manner which would make them inaccessible for generations to come. I am somewhat disposed, sir—wearied with these discussions and anxious to settle this question—to go further, for present incumbents, at all events, than perhaps my cool judgment would dictate. Some have intimated that there is a disposition to evade the settlement and to accomplish nothing this session. I solemnly declare that I consider members—as honest men, as Nova Scotians, as British subjects—bound to bring the matter to an amiable close, if it can possibly be done without improper sacrifices. My individual feeling is so to act to the best of my ability as to accomplish a settlement on a just basis.

When it is intimated that a few hundred pounds are of little consequence, I look round, and see the many services to which that sum could be beneficially applied. What was £1000 to the whole Province? Yet £1000, well employed, might occasion the departure of four or five whale-ships to the Pacific and might be of much benefit to the commerce of the country, and ultimately lead to the introduction of millions. Much indeed might be accomplished in a new country with that comparatively small sum. It might cause the opening of a tract of country and the settlement of smiling homes in what else would be a howling wilderness for fifty years to come. One view which should be taken of colonial economy is that it would be of service to the mother country, and that a system of overpaid colonial officials trammelled the Government and exhibited bad examples which had a bearing on the advancement of the whole empire. But economy might be considered beneficial in another point of view. Supposing a saving of one hundred pounds is expended in opening the wilderness; the moment settlers occupy the new line of road they begin to consume British manufactures. Give a hundred pounds more than was required to a public officer and perhaps it would be sent out of

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the country and lodged in foreign funds; would that ever do the same amount of good even to the mother country? I hold it to be an unanswerable position that for every hundred pounds saved and applied to internal improvement, you fix on the surface of the soil consumers of British manufactures,—and thus Manchester and Birmingham have a direct interest in the economy of a distant colony. Let us turn for a moment to the opposite side of the question and see how such matters have been hitherto managed. It is not necessary that I should revert to the natural growth of extravagance in every new country: as a matter of course, in a colony, at its first settlement, official men possess all the influence of the country. From the first settlement of these countries almost down to the present period, those who had a personal interest in a system of extravagance possessed all the interest and did as they pleased. That influence diffused itself over every department; it was prominent, perhaps, in both branches of the Legislature—at all events, in one. This has led to extravagance in every colony, and we can easily trace its effects in Nova Scotia. A bill passed the other day, reducing the judicatory, and striking off, as I reckon it, £1697 a year. [Mr. HUNTINGTON: This is not to be accomplished during the lives of the parties.] I admit that the money is not to be saved immediately, but the bill is an expression of the opinion of this Assembly that we have been all along paying two judges more than was required, and that the amount of contemplated saving has been hitherto wasted. In addition to this, we were until recently paying another £400 a year to an associate judge. We were, then, from a variety of causes which operate in all the colonies, paying for a number of years about £2000 a year more than our wants required for the support of the judicatory. That is the position I assume and, taking a period of ten years, we have wasted in this manner, upon that branch alone of the public service, £20,000. Another item which may illustrate the system which has grown up here, is the customs establishment. You may suppose that there is no use in adverting to this now, but I think it necessary to do so that a general conclusion may be reached. Fixing for every officer employed a fair and liberal remuneration, I can show that this service should not exceed £6000. We have been paying £10,000; in this branch, therefore, for a period of ten years, a sum of £40,000 has been wasted. Another department of unnecessary expense is suggested by this: last session attention had been called to the propriety of blending the duties of the excise and custom-house. During the recess inquiries had been made, and although the committee could not act officially on account of a construction of His Excellency that their powers ceased at the prorogation, yet some information was the result of their appointment. Communications had been made with the departments: the collector of excise stated as his opinion that the duties of his office might be blended with the customs or treasury, and that he was prepared to accede to any such arrangement. Respecting the customs, the head of the department considered himself bound on account of his relation with the home Government to decline entertaining the proposition. Men of business with whom I have advised on

the subject universally stated that the business of both offices could be performed at the customs and treasury with a very trifling addition of labour, which would be altogether paid for with a very moderate sum ; in which case the whole collection of the excise revenue would only cost the Province £450 per annum. At present it costs in this port alone within £10 of £1600. One man gauges a cask for the excise and another gauges the same for the customs, and two waiters have to walk down on the same wharf for the purpose of giving two permits. From one end to the other there is the same anomalous folly and vast sums of the public money are wasted and destroyed. The saving that might be made by blending the customs with the excise is upwards of £1100. The waste by having two distinct departments might be stated at £11,460 in the last ten years. You may imagine that this has but little to do with the day's discussion, but you should turn your attention to the whole system that your minds may be prepared for what you are about to do and for other matters which remain to be performed. Enumerating these services,—the secretary's office, the registry office, and the Crown land office,—and stating the expense of all at a liberal rate, on a higher scale than they need be, the conclusion which I arrive at is this : that in ten years, in various departments, we have wasted by extravagant expenditure no less than £83,000. This was not wasted, indeed, in the same degree as if it were thrown into the sea, because much of it has gone into general circulation ; but, as regards purposes of public improvement, reduction of public debt, encouragement of commerce or manufactures, that £83,000 I contend has been decidedly wasted. The House must say to-day whether this system shall continue. The question is not merely how the matter before the House shall be disposed of, but whether that system shall continue.

I have not prepared a proposition touching the Civil List ; I do not pretend to guide members in the matter. I refrained from taking an active part yesterday, because I knew that if the Assembly came to conclusions which would prove unacceptable, if difficulties occurred while I took an active part, *that* would be given as the cause and I would be charged with making the disagreement which I wish to prevent. I waited patiently and listened attentively until members all round, who well knew the resources and wants, and wishes of the country, had expressed their opinions, and I did not oppose their views, although I may differ with them on some of the details of this arrangement. I look on the country members generally as examining this question in the spirit which has been breathed into them by their constituency and by the situation of the various parts from which they come. I, who have resided in the capital, know some expenses incidental to public situations and which would be forced on men holding the first rank in society. So circumstanced, I may differ with gentlemen on some points ; I may think that larger remuneration is required than what others consider ample ; but I feel that the members of the House generally are acting in the proper spirit and are approaching this question with manly independence, and have expressed broadly and strongly

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their uninfluenced views of what the arrangement should be. I have not attempted to influence opinion on this matter, and it is but rarely that I speak out of this House on subjects which demand attention here. The better way perhaps, at this time would be for each member to submit his own scale of the proposed Civil List and develop his own views of the whole subject; but I felt that it might not be right for me to attempt to lead on this occasion, but to state broadly my opinions of the principles which should govern our decision, and then leave it to the members to decide as they think best.

The propositions of the honourable gentleman for Cape Breton I am opposed to, and I believe that they will not carry a majority in this House. [Mr. UNIAKKE: They are not before the House at all; they have been negatived.] Respecting the first resolution of the honourable gentleman from Yarmouth, it would be well, on it, for the House to decide what their intention really is. As to the sums proposed, I say rather than have this left open year after year, I would make some sacrifices beyond what might be considered merely sufficient; others may be disposed not to make any compromise or concession from what they think right. We should bear in mind that in these matters we have to deal with the enlarged views of gentlemen in the mother country, who can scarcely place themselves, even in imagination, in our circumstances, although, by the despatches, Lord Glenelg seems to have done so. We have to deal with minds accustomed to the affairs of a nation of vast wealth, to institutions of great splendour, to extravagant emoluments, and so situated from habits and circumstances that they can hardly narrow their views so as to be fit to deal with a colony like Nova Scotia; as the astronomer, accustomed to scan worlds rolling in illimitable space, cannot contract his vision to notice the petty things of earth. The Colonial Secretary seems to have thrown off many of these prejudices and I trust that he will remain where he is until this question is finally settled; but members should not be alarmed by any anticipations of great changes in the policy at home or by fears that the Colonial Office may recede from its present position. One of the delegates from New Brunswick, Mr. Crane, stated in the Assembly respecting his mission, that no matter who came into office, even if Lord Melbourne changed with Sir Robert Peel, the principle once sanctioned with respect to their Civil List would be fully recognized, and no material difference in dealing with the subject would be experienced. No matter who might succeed Lord Glenelg, the House may rest assured that any reasonable proposition of theirs will be accepted in lieu of these revenues. Another view of this subject demands some attention. It might be said that the House should deal with the public officers as if they had a right to the full amount of their present emoluments. "Vested rights," I admit, should be fairly dealt with; but every man who accepts a situation does so under the implied condition that if the circumstances of the country should call on the Government to make economical changes his vested rights shall give way to a certain extent. The country employs persons and should pay them such adequate salaries as the Legislature should determine. I am not disposed to

deal with them narrowly, but, in fixing the scale, we should not only take into account those who have too much at present, but those who are entitled and called on to associate with them and to whom great injustice will be done if the emoluments of persons in the same rank are put too high. To fix two or three so high that they can afford to live extravagantly and far beyond the means of most others, I consider to be a great social evil. You place them in the midst of those who cannot compete with them and make them causes of mortification or of ruinous pretension. This view should not be lost sight of, that whatever is done may be done generally; a scale should be determined on which will be satisfactory to all parties except those few who will be called on to make some sacrifices. Another evil of attaching extravagant salaries to a few officers is that it raises those persons to too near an equality with the Governor of the Province. The Executive, I think, should be far above the public officers, and he should be placed, proportionately, as the King of England is placed among the official persons who surround him. To give the Governor only £2000, while the Chief-Justice receives £1200, and the Secretary £1000, with other emoluments which make up many hundreds more, would not be in accordance with the practice of Great Britain, and would not be such a regulation as would give the Executive the proper control of these functionaries. This may be designated as a theoretical evil merely. I do not state it as a great grievance, but as one view of the question which should be taken before coming to a final settlement.

Respecting New Brunswick, also, it should be borne in mind, that although they gave a large sum there, they got much more in return than we can get. The lumbering trade made the control of the Crown lands of great consequence, not only as a source of revenue, but for purposes of regulation respecting the trade and commerce of the Province. That was one reason why a conclusion there has been so readily arrived at. I do not say, sir, that we should not act justly and liberally in this matter, because the mother country has not so much to give us, but only argue that there is no close analogy between the cases. Beside the advantages already mentioned, New Brunswick receives £170,000 in money by the arrangement. The very interest of this sum nearly amounts to that given for the Civil List or at least would meet a large part of it. Here we have a debt of £120,000: there they owe nothing and receive £170,000 in hand. These views should be borne in mind, if any argument is to be drawn from the sister Province. I do not, however, intimate that because the bargain is not so good our proposition should not be reasonable and that we should not meet the home Government half-way. If not one sixpence were to be gained in return, we should meet the question and endeavour to arrange it, and should not view it as a mere "bargain," as it has been termed by the learned member from Queens. We should not wish to degrade the Sovereign, regarding it in that light or assuming that she intends to chaffer for any improper advantage. The Sovereign comes in a dignified manner and asks for an allowance for the officers of the colony, offering these revenues in

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return, and we shall best perform our duty by meeting the subject boldly and making a reasonable allowance for every essential service, according to the circumstances of the country whose finances we are bound carefully to superintend.

It has been intimated that if we do not agree to the terms proposed, we shall put ourselves in the position of the monarch who refused the Sibyl's leaves : and we are told to take the book, the whole book, and nothing but the book—to give the pound of flesh, or that nothing else will suffice. I do not view the Sovereign under that aspect and I only understand by the proposal that we are called on to make a reasonable fulfilment of the contract. When the honourable gentleman from Cape Breton threatens the penalty respecting these Sibyl's leaves, I remind him that those Sibyls of classic times sold their books because they were willing to sell anything for money, and that they were generally under the control of the aristocracy where their altars were erected. I am happy to see that the example is not continued : there have been Sibyls or old hags in Downing Street, who thought themselves witches when they did not deserve the credit and for whose oracles the colonial officials always demanded the highest price ; but the present occupant of that office shows that he wishes to "turn over a new leaf" and instead of binding us down to his oracles, he says : "Will you give me what I ask for my book ? if not, tell me what you *will* give ?" That is the proposition of Lord Glenelg, and this Legislature need not fear the penalty which has been threatened.

In concluding remarks, sir, which I fear may have been wearisome, I feel that, perhaps, I should now submit some proposition which would express my own views. The subject is in the hands of men who know the situation of the country and are most deeply connected with its interests. Their propositions I am prepared to oppose or sustain, as they may appear to me to be conducive to the settlement under consideration or calculated to retard it. I differ in some respects from the honourable gentleman from Yarmouth and am ready to make some sacrifices for the purpose of ensuring an arrangement. I will not agree to a scale which would make the bill respecting the judiciary, lately passed, so much waste paper and which would exhibit the House as passing one bill to save an expenditure and, immediately after, another to re-establish it ; therefore I could not vote for the original resolution of the honourable gentleman from Cape Breton. I am prepared to make sacrifices, but I would not sacrifice too much. The Governor's instructions I take to be these : if the Legislature should agree to give the £8000 he may give his assent without a suspending clause, but if alterations and reductions are made a suspending clause must be attached before assent can be given. I sincerely hope, sir, that this important question may be finally and satisfactorily arranged at this sitting of the Legislature, and that it may be the means of mutual profit and goodwill to the colony and the mother country.

Before the session closed, the House and the country were prepared for another struggle with the Executive. The Civil List Bill,

framed by Mr. Huntington, had been rejected by the Legislative Council; a bill intended to reduce the cost of the judiciary had shared the same fate. The only popular man taken into the Cabinet had been compelled to retire. The members of that Cabinet denied that it was one (and for this it must be admitted that they had Lord Glenelg's authority), and only consented to convey to the Lieutenant-Governor the wishes of the Assembly without admitting any obligation to enforce them by their advice. The following Address was proposed on April 16th as the remedy for this state of things, and after two days' debate was finally adopted:

We, your Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, tender to your Majesty our unfeigned acknowledgments for the gracious consideration bestowed on the humble Address to the Crown passed at the last session of the General Assembly. That our late lamented Sovereign should have assured us that "the greater part of the measures" suggested in that address "were conducive alike to the honour of his Crown, and the welfare of His Majesty's faithful subjects inhabiting this part of His Majesty's dominions," deepens the feeling of regret for his loss, and respect for his memory which pervades the population of Nova Scotia. That our gracious Queen should have confirmed the liberal views of the late Sovereign, that she should have signalized the commencement of her reign by expressions of confidence in this Assembly, and the announcement of a determination to redress the grievances of which it complained, has excited the liveliest gratitude and strengthened the feelings of loyalty and attachment to the mother country for which Nova Scotians have been so long distinguished.

In again approaching the throne, we beg your Majesty to believe that we are actuated by no captious desire to intrude into the presence of our Sovereign with unimportant complaints; but are sincerely anxious to carry out, to their legitimate extent, the principles maintained in the despatches of Lord Glenelg of the 30th April, 6th July, and 31st October, 1837, and to quiet all questions, the continual agitation of which has a tendency to disturb this colony, and excite dissatisfaction with the local and distrust of the views and policy of the general government.

The promptitude with which your Majesty met the wishes of your people by dissolving the Council and constructing two distinct bodies to discharge executive and legislative functions, demands our warmest gratitude; but we should be wanting in our duty, both to your Majesty and to those we represent, if we did not respectfully show to your Majesty, that, in the formation of those bodies, the wishes of this Assembly and the wholesome principles announced in the despatches have not been followed out.

One point, to which the attention of the Crown was called in the Address of last session, was the preponderance in the Councils of the country given to one

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religious body, embracing but a fifth of the population, over those of which the other four-fifths were composed. The reasonableness of this complaint was fully acknowledged. "It is impossible," said the Colonial Secretary, in the despatch of the 30th April, "that distinctions so invidious should not be productive of serious discontent." The directions given upon this point were clear and explicit. Recommendations were to be "altogether uninfluenced by any consideration of the relation in which the proposed councillors might stand towards the Church of England, or any other society of Christians"; care was to be taken "to avoid, as far as possible, such a selection as might even appear to have been dictated by motives of this description"; and "even the semblance of undue favour to any particular Church was to be avoided." These commands founded in justice and sound policy, were reiterated at the close of the despatch of the 31st of October, in which your Majesty directed that the new Councils should be composed, "not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration." Such being the gracious intentions of your Majesty—intentions which, if once fairly carried out, would for ever remove from the Province those jealousies that the apparent preference given by the local government to one class of Christians over all others, is but too well calculated to inspire—your loyal subjects observe with surprise and regret, that in the new Executive Council, as lately remodelled, five of the nine gentlemen of which it is composed are members of the Church of England and that eight, out of the fifteen who form the Legislative Council, are also members of that Church, his Lordship the Bishop being one.

Though fully appreciating the delicate and difficult nature of the task, which, in the arrangement of these two bodies, devolved on your Majesty's representative in this Province, and which was heightened by the obligation to consult the feelings and admit the claims of many members of the former Council, this Assembly humbly conceive that this unwise distinction, by which a clear majority is still given in both Councils to one body of Christians, embracing but a fifth of our population, is as justly objectionable now as the former arrangement, based upon the same policy, was in 1837.

In some other respects, it appears to this Assembly that the wise directions of your Majesty have been overlooked. The despatch of the 30th of April contemplates a fair representation in the Councils of "all the great interests of the Province; and the appointment of persons connected not merely with the capital, but with the other principal towns, and with the rural districts." The composition of the Legislative Council shows that more than one-half of the members still reside in the town of Halifax; that while the legal profession sends six members out of fifteen, the agricultural interest, that which in this, as in most other countries, lies at the foundation of all others, and embraces the greatest amount of population, property, and general intelligence, sends but two. Had such a disproportion been forced on the local government by

any regard to the peculiar claims of former councillors, or any palpable necessity growing out of the circumstances of the country, the representatives of the people might have seen less reason to complain; but they would be wanting in their duty to your Majesty, if they did not frankly declare, that in this, as in other respects, the gracious intentions of the Crown do not appear to have been fulfilled. The desire of your Majesty "to entrust the duties attached to members of the respective Councils to gentlemen entitled to the confidence of the great body of the inhabitants," would seem to have given place to influences in the colony, political or religious, against which the representatives of the people have often had to contend. But, without dwelling on what appears to this Assembly a marked departure from the spirit, if not the letter of the despatches submitted to us by your Majesty's command, we owe it to our Sovereign—to the desire for mutual confidence between Her Majesty and her loyal subjects in this Province—humbly to declare, that, while in both Councils, as at present constituted, there are members who are friendly to a liberal policy, the majority are known to be unfavourable to many of those reforms which the people of this Province anxiously desire in their institutions.

In approaching those financial questions, in the final arrangement of which we feel a deep interest, from the important bearing they have on the peaceful development of our resources, and the preservation of those "moderate and simple habits" which, in a young country, are the best guarantees for public virtue and private happiness,—this Assembly are embarrassed by the difficulty of conveying to their Sovereign an adequate conception of the weight attached by their constituents to a wise and satisfactory application of those principles of economy announced by your Majesty in the despatch of the 31st of October, from the noble Secretary of State. The natural tendencies of a colonial government favour the growth of a pernicious system of official extravagance. In the early history of a colony its public officers receive their appointments from, and have their emoluments fixed by patrons in the metropolitan state—often but ill informed as to the labour required, or the slender resources afforded by the Province into which they were sent. When a Legislature is conceded, for a series of years it is influenced or controlled by those who ought to be subjected to its authority, but who surrounding the Executive, and dispensing its patronage—occupying the seats of one branch, and through their friends and dependents, stimulating to extravagance, or neutralizing the efforts of the other—often denounce as disloyal every effort of those who seek to enforce economy and popular control; and weaken the attachment of the people, by making the Sovereign's name and delegated authority the sanction for every abuse. Nova Scotia has had her share of these evils; she has them now; but her representatives hail with satisfaction the assurance given by your Majesty that they shall exist no longer; that while your Majesty graciously admits the right of this Assembly to "control and appropriate the whole public revenue arising in the Province," your Majesty, in the spirit of that Constitution which

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guards alike the prerogative of the Crown and the property of the humblest of its subjects, also recognizes it as our privilege and duty to fix the amount of remuneration which every public officer maintained from those revenues should receive.

With a view to a permanent settlement of the Civil List, and transfer of the Crown revenues, a bill was passed by the House in this session, granting to the present Lieutenant-Governor, during his continuance in office, the amount which he now receives; and for his successor the sum of £2000 sterling per annum; to the present Chief-Justice a larger amount than is now borne upon those revenues; and to the Puisne Judges permanent salaries somewhat higher than those to which they are now by law entitled. These salaries, the representatives of the people believe to be adequate to maintain the dignity and independence of the judiciary; to attract to the bench the highest order of the legal talent which the colony affords, and to provide for the stated and firm administration of justice in every county.

Your Majesty will perceive that the provisions of this bill differ from the scale submitted by the noble Secretary of State for the Colonies, to this extent; that his Lordship contemplates an abandonment by the Chief-Justice of the fees taken by himself and the other judges, and which the Commons of Nova Scotia have repeatedly endeavoured to abolish. Having declared them to be unconstitutional and illegal, they cannot recognize any right in the judges, founded on the mere fact of their reception. In making a small addition, therefore, to their salaries, the House was governed by a desire that their remuneration should be adequate to the responsibilities of their stations; in declining further to increase the salary of the Chief-Justice, they felt that it was already ample,—higher than they were justified in giving to his successor in office,—and above what the state of society and the resources of Nova Scotia would warrant. The Assembly, though they have ventured to differ with your Majesty's Government as to the amount to be paid to some to those officers, readily concur in the wisdom of providing for their support by a permanent enactment. They repudiate the claim, set up elsewhere, that even the highest public functionaries, in a colony, should depend upon annual or semi-annual votes of the popular branch. As British subjects, they are anxious that the representative of their Sovereign should be maintained in a position of dignified independence, and that those who are to administer the laws, and guard the justice of the country, should be unbiassed by pecuniary considerations. In reviewing the salaries of the Provincial Secretary, and of the Crown officers, the Assembly have not considered that the necessity for making these permanent was the same. The practice is not sanctioned by that of the mother country; and, although the duties to be discharged by those officers are of the highest importance, the Assembly conceive that like others who have been liberally provided for in the annual appropriations, and whose emoluments once fixed are rarely diminished, they may safely be confided to the justice and liberality of the representative branch.

In considering the salary of the Secretary, the House has acted on the deliberate conviction that it is, and has been for many years, far too high. That officer also holds the situation of Registrar of Deeds; and besides the very large amount received in Halifax, shares the registration fees with all the deputies throughout the Province. If left in the full possession of his present emoluments, he will be in the receipt of a sum not far short of that offered for the future salary of the Lieutenant-Governor; and this House humbly conceive that a system which raises a few officers to so near an equality of remuneration with the Queen's representative weakens the influence which he should exercise over every department and in the local society; while, at the same time, it is unjust to other officers of equal rank, and performing duties of kindred responsibility, but whose emoluments have been regulated by the local Legislature. The Assembly believe that, from the operation of causes already stated, the sums withdrawn for the support of this department have been always extravagant; they could show to your Majesty that in a period of ten years, £10,000 have been lavished upon it which might have been more wisely appropriated to purposes of internal improvement; and they feel confident, that in fixing the prospective salary of the Provincial Secretary at the same rate at which it is proposed to pay the judges of the supreme court, they should act with a due regard to the respectability of the office and to the confidence reposed in them by your Majesty.

In promptly voting permanent salaries to the Lieutenant-Governor and the judges, this Assembly feel that they have vindicated themselves from any suspicion of a desire at any future period to embarrass the general or local government by a factious or impolitic stoppage of supplies. But, as they have ventured to differ from some of the views exhibited by the Colonial Secretary, as to the amount of some salaries and the permanence of others, they deem it right to acquaint your Majesty, that, besides the officers named and the amount included in the sum proposed to be granted as a Civil List, the Province pays, under permanent laws, a Master of the Rolls and four other judges, at an annual cost of £2450 currency; and that out of a gross receipt of £60,000, including the Crown revenues proposed to be surrendered, and all the taxes collected under Imperial and Provincial Acts, there will be, on the passage of such a law as this Assembly propose, no less a sum than £30,000 permanently appropriated for the support of the Provincial Government; while the sums included in the annual Appropriation Act, for indispensable public services, amounting to nearly £15,000, leave only £15,000 at the disposal of the Assembly, to be applied to the repair of roads and bridges and the internal improvement of the country. This frank exposition of the state of the Province, its revenues and expenditures, we trust, will convince your Majesty that in somewhat reducing the scale fixed by Lord Glenelg, the representatives of the people have acted with a due regard to the interests entrusted to their care; and that, in hesitating to add to the already large amount of permanent salaries, they have but imitated the example of the

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Imperial Parliament, which, while it provides during the life of the Sovereign a permanent Civil List, by narrowing as much as possible the range of such appropriations, wisely subjects every department to some degree of popular influence and control.

Among the evils which have grown up, from the causes already referred to as operating to a certain extent in every colony, there is none which has more heavily burthened the industry of the people of Nova Scotia than the mode of collecting the duties levied under the Imperial and Provincial statutes. The duties received by the colonial revenue department here are, like the duties collected under Acts of Parliament, laid exclusively on imports. One set of officers, the Assembly conceive, would therefore be sufficient to collect the whole; and they can see no reason why, if your Majesty's Government would sanction the arrangement, nearly the whole expense of maintaining one of these departments might not be retrenched. The cost of the colonial revenue office, in the port of Halifax alone, amounts to about £1600; £1200 of which might be saved by adding one clerk to the customs and one to the treasury, with two extra tide-waiters. The principal officers of the customs do not feel themselves at liberty to entertain any such proposition, without the assent of the Lords of the Treasury at home; and we have, therefore, humbly to request, that such directions may be given in this behalf as may authorize the Assembly to pass an Act for so desirable and useful an object. It is also incumbent upon us to call the attention of your Majesty to the propriety of sanctioning a prospective reduction of the expenses of the customs department in this Province. Prior to 1826, the officers were remunerated by fees, and when a scale of permanent salaries was adopted, these were regulated by a regard for the vested rights of parties, who claimed extravagant sums, upon the ground that a reduction to a rate consistent with the resources of the colony would deprive them of too large a portion of what they had been accustomed to receive. The whole expense of this department has, since 1829, exceeded the enormous sum of £10,000 currency per annum. Its duties would as efficiently be performed, in addition to the collection of the colonial revenue, for about £6000; and it is a source of deep regret to this Assembly and their constituents that, in these branches of the public service, besides the £25,000 which was freely conceded by the Act of 1829, a sum not less than £40,000 has been wasted within the last ten years, which a system of judicious economy might easily have saved. Without attempting to interfere, therefore, with the emoluments of the present officers, or seeking to diminish their incomes, this House strongly recommend that the scale of salaries for future incumbents should be revised; with a view to such a reduction as, while it will amply maintain the establishment, and secure obedience to Acts of Parliament and the enforcement of the provisions of Provincial statutes, will not consume so large a portion of the public revenue or excite dissatisfaction and complaint among the people, from whose industry the taxes, both Imperial and Provincial, are raised.

There is another topic which the Assembly are desirous of urging on the attention of your Majesty, as affecting the commercial interests and prosperity of this Province in the highest degree. The gradual extension of the principle of Free Trade to the colonies, since the Imperial Act of 1826, has been productive of the happiest effects, and the experience of its operation in the ports that have been permitted to enjoy an unrestricted intercourse with foreign countries, conformably to the law as it now stands, has impressed the Assembly with a conviction, that if all other ports where there is a custom-house officer were declared free, the mercantile and shipping interests would be largely benefited; the illicit trade that now exists to an alarming extent would be checked, and our exports increased in value.

The House see no reason to fear an equal open competition between the industry of their constituents and that of any other nation. They are satisfied that obedience to the Acts of the Imperial Parliament may be sufficiently enforced by the present officers of the customs, or by others whom the funds already assigned for that service will amply remunerate, and earnestly hope that your Majesty's Government will yield to the repeated representations of the Assembly of Nova Scotia, and permit every port, where a custom-house officer is stationed, to enjoy the privileges of a free port.

In concluding this address, the Assembly are bound to acknowledge the aid which they at all times receive from his Excellency the Lieutenant-Governor in the prosecution of measures intended for the general good. Most of the evils of which they complain have arisen from causes that existed before his Excellency came to the colony, and it would be expecting too much to require that they should be removed in a single year, under the most impartial administration.

This Address was sharply commented on by Sir Colin Campbell, in a closing speech, which may be read now as a curiosity of political literature. No governor, surrounded by a responsible ministry, has ever imitated the style of those singular documents, at that period unfortunately too common, in which the Queen's representatives thrust themselves into the foreground to shelter their advisers and hector the Parliaments which they had not the skill or influence to control.

The affairs of Canada engaged a good deal of public attention in this Province throughout the winter of 1838. The insurrection in Lower Canada had been suppressed, but fighting with American sympathisers and filibusters still continued along the frontier lines. Nothing could be better than the spirit evinced at this period in all the lower Provinces. The attempt to connect the Nova Scotia reformers with treason and rebellion had been defeated by the publication of Mr. Howe's letter to Mr. Chapman.¹ Meetings to

¹ *Ante*, p. 84.

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express loyalty to the Sovereign and a determination to maintain the integrity of the empire, were held in all parts of this Province, and everywhere unanimity and good feeling prevailed. The leading reformers of Nova Scotia had, at this period, a delicate duty to perform. Up to a certain period they believed that the Parliamentary majorities in both the Canadian Provinces had been in the right, struggling, as they were struggling, for the redress of grievances indigenous to the old colonial system and for the establishment of executive responsibility, without which there must always be danger of deep-rooted discontent and hostile collisions. The minorities in all the Provinces naturally desired to make political capital out of these absurd insurrections. It was clearly the interest of the majorities, as it certainly was the duty of statesmen, everywhere, to pluck the flower safety out of the nettle danger—to define and preserve what they approved, while condemning what they disapproved; to guard Her Majesty's Government from the fatal error of attempting to perpetuate a system which had already produced such deplorable results and which experience had shown to be untenable. Of this duty Mr. Howe discharged himself in a speech delivered by him on the 16th of April, which we have extracted as it stands in the reports. The Constitutional Association of Montreal had sent an address to the different Colonial Legislatures. Resolutions in answer had been moved by Mr. James Boyle Uniacke, and others proposed in amendment by Mr. William Young.

Mr. HOWE spoke as follows :

I would be happy to give my views on this subject, but as gentlemen who have just spoken have expressed them to a considerable extent, I feel willing to wait for opinions on the opposite side which may have some effect on my mind, or call for a reply. It is not my custom to allow general measures to pass without expressing my opinions, but as the business of the session has been brought so near a close, and as a discussion occurred on a previous day respecting the new position in which the Governor-General stands to the Provinces, I did not suppose that this subject would be fully taken up during the session. As the subject, however, has arisen, I have no objection to enter into its discussion unprepared, comparatively, as I am. Neither of the series of resolutions submitted exactly express my views. I had prepared a series myself, but have no wish to press them, and have handed them to the honourable and learned member for Inverness that he might engraft some of them, if he wished, on his, and so that there might be only two sets of resolutions before the House instead of three, as there would be if I moved my own. I approve of the resolutions of the member for Inverness, rather than those of the member for

Richmond, and have expressed my willingness to give them my support. The first resolutions moved called on the House to enter more broadly into the views of the "Constitutional Association of Montreal" than I feel disposed to do. In that Association there are many men of reputation and respectability and independence, but besides these nearly all of the official men of the city are members; those who oppose every attempt at political improvement, every measure likely to promote the general satisfaction, and whose object is to support that exclusiveness and ascendancy which has done so much evil. Men such as these have for years misled the British Government; to bolster up high salaries and political ascendancy in all the colonies, they have made themselves active in supplying false information to a Government which, of itself, is always disposed to do justice. I will not raise my voice in this House to abet rebellion elsewhere; and whenever I have felt it necessary to do so, I have stated my views on that head, and have uniformly asserted that there was nothing in the state of the Canadas to justify a resort to arms. Even if the rebellion could be justified, and if it were successful, there is not the diffusion of knowledge, or moral or political power in the country, sufficient to establish a government as good as that which they endeavoured to overthrow. I may be charged with holding peculiar opinions on government, but if I felt much more favourable to the republican form than I do, I would not attempt to establish it in any Province where the body of the people were uneducated. It has been tried in the southern parts of America, and the result was disastrous; contest after contest occurred, one tyrant rose up to displace another, and to be set aside himself by some adventurer as reckless and more powerful;—a political chaos, ruinous to all improvement, overspread the land. For these reasons I feel, that when any portion of the Canadian Papineau party put themselves in arms against the Government, they did what was absurd and ridiculous as well as mischievous,—what was destructive to their own constitutional power, and what, if successful, could not produce anything that would compensate for the evils by which it would inevitably be preceded. I would openly and broadly avow, that that rebellion was impolitic, unjustifiable and cruel, both as regarded the party making the attempt and the mother country whose yoke was attempted to be cast off. The House is now asked by the Montreal Association to express an opinion on the subject, but it should not be an opinion which that party could construe into a sanction of their views and actions; this House should not encourage the party alluded to in their attempt at placing their feet on the necks of their fellow subjects, many of whom are as good and as loyal and as patriotic as themselves. Previous to the rebellion, and since it was suppressed, the press with which that party is identified exhibited a spirit, which ran through most of their public documents, quite as bad as anything which appeared on the other side.

Up to 1828, as had been observed by the member for Inverness, an authority sent from home, the secretary to the late Commission, declared that the Canadian party was right in every particular; yet what did many of the members of this

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Association do up to that period? About that time they sent an embassy home for the purpose of misleading the Government, and of contending that scarcely any grievance existed; they opposed every measure that the House of Commons afterwards acceded to. Is it to be supposed that the spirit of that embassy—which endeavoured to turn aside the beneficence of the British Government, and to keep up a state which was acknowledged to be rife with abuses—did not exist yet? And will this House encourage such a spirit? What was the language of that party immediately after the breaking out of the rebellion? That men whose strong feelings had brought them into guilty participation, should be hanged without the ordinary process of law; that summary vengeance should be inflicted, and that men should not be *fattened for the gallows*. This was the language of that party, and the whole tenor of their acts was in opposition to the improvements demanded by existing circumstances. They are a specimen of the only thorough-going party in that line of politics. The Tory species, as known in the British Provinces, is nearly extinct in Great Britain; an out-and-out Tory is only to be found in the colonies. The progress of the national mind at home has there ameliorated the opinions of all, and the great experiments which have been tried have, in a great degree, broken down the prejudices which formerly were so distinctly marked. Now, it may be said, there are only two parties in that country;—one which acknowledges that reforms are necessary and should be pressed, and the other desirous of pushing those reforms too hastily or too far. In the Canadas, as in all the other colonies, more or less, there is a party which has been reared into a sort of official aristocracy and which attempts to bully the British Government when they find it inclined to do justice. What course has that party in Lower Canada pursued for the last three months? They attacked Lord Gosford with unmeasured abuse, because his policy was that of justice and conciliation, and they endeavoured to goad him into acts of imprudence and oppression. When the Provincial publications teemed with such tirades, it might be expected that they would have some effect on the mother country; but I read British opinions with pride and pleasure. Are statesmen of any party there found urging extreme measures? Quite the contrary. In the Houses of Parliament almost every speaker evinced magnanimity, and spoke in favour of mercy; and from the Duke of Wellington down to the lowest link of that great chain of conservatism not a man uttered opinions which, for harshness, could be compared for a moment with the expressions of the colonial Tories; on the other side, everywhere the doctrines of the Constitution were laid down, the right of stopping the supplies was upheld, and even those rebels were allowed to appear by counsel in the bodies of the Houses of Parliament, there to state their opinions, to vindicate their acts, and to appeal to British justice and magnanimity. That was the spirit which Britons evinced on this subject; a spirit worthy of a great country, and very different from the spirit of the Constitutional Association of Montreal, who, by the address before the House, seeks to find a means of sheltering themselves from blame in the answers of the colonial Assemblies.

Some might say that the Canadians received all that they should have expected ; and I admit that liberal concessions have been made, and that the Canadian party should have given the Government time to carry out their measures. It should be borne in mind, however, that up to 1828 they were right, and that they had then been struggling for twenty years with the opposite party. After twenty years of warfare, bitter feelings would be engendered ; causes of hot blood would exist ; the animosities which individuals indulged towards individuals would mix with party politics, and extreme strife might be originated in a way not to be fully appreciated by persons at a distance. Gentlemen, you should bear in mind that the Frenchmen of Lower Canada were right almost up to the time that they turned out with arms in their hands. A distinguishing trait in the French character should be here noticed. Frenchmen seemed to have no idea of accomplishing great changes without the application of physical force. This was observable in the French revolutions at various times. A Frenchman thinks that nothing can be done until he fires off his musket. They felt that they sprung from a gallant nation, and looked upon the resort to arms as the natural result of a political contest. This characteristic interprets many scenes in the Canadian rebellion. Englishmen under similar circumstances would not think of recommending smuggling as a mode of crippling the revenue ; they would not think of turning out to public meetings with arms in their hands. Up to the time that the Canadians resorted to these modes of opposition they only did what a British population had a right to do ; they had a right to stop the supplies, and I, as a colonist, would never relinquish that right. They have the right in all extreme cases to do so. It might be said that colonists had no such right as a means of forcing changes on Government ; but I insist they had ; it might be the only means of forcing attention to political evils ; although I admit that the right should be exercised only in the most extreme cases, where it would be impossible to obtain justice without such a resort. Let the House mark the difference between the French and the English mode of obtaining a redress of grievances. In Great Britain, when the people wish to coerce Government, and to make an exhibition of physical force, one hundred thousand men meet at an appointed place, they pass resolutions, and the whole results in a petition to the throne or either House of Parliament. Frenchmen can scarcely understand why there should be such a display about a petition, while Englishmen know that it is an expression of feeling which nothing can resist in a constitutional government. If the Lower Canadians felt as Englishmen, the probability is that they would hold meetings after the same fashion. A vast number of Frenchmen, as they are called, inhabit that Province, but they were born and bred there ; they are not conquered serfs, easily put down, and are not answerable for what occurred under the old French Government ; they are British subjects, and have British rights guaranteed to them ; which rights they, in a great degree, exercised wisely and well up to a certain point.

This party had to contend with that which was experienced in every colony

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—misrepresentations sent home to mislead and the cupidity and selfishness of those who were interested in keeping the body of the people down. This copy of the address of the Association is similar to copies which have been sent round to most of the Colonial Legislatures for the purpose of obtaining expressions of opinion. And what do they say in their address? They say that the French Canadians, after the conquest of that country, had their own laws and language secured to them and received privileges equal in extent to those of any other British subjects. If this were the case, up to 1828 that party complained justly; and how did it happen that the members of this very Association stood in such unrelenting hostility to those rights and privileges? Respecting the division of the two Provinces, they say that the intention was to have one Province inhabited chiefly by a French and the other by a British population. That, no doubt, was the intention; it was thought desirable in one Province to give Frenchmen the influence which numbers should have.

An idea now started is that the French of Lower Canada should be Anglicised; it is urged that they should either be driven out of the Province or be forced to speak the English language. One, no doubt, could be as easily effected as the other. This, however, was not the policy after Wolfe's victory; it was then thought wise to keep the colony filled with Frenchmen as a barrier to the United States. This policy was well rewarded at a subsequent period, when these Frenchmen turned out zealously to repulse the enemy and resist invasion. One complaint made now against the Canadian party is that they opposed a system of registration by which mortgages on land could be effected. It may seem ridiculous to some accustomed to a system of registration that they refused it; but there might be some sound policy in the fact according to the views of those acquainted with the country. The French lawyers say that the introduction of such a system would cause every poor man's farm to be mortgaged to the trader and merchant, and that the lesser evil of wanting money for improvement of their lands had better be borne than the greater which would result from registration. Some of the finest townships of Nova Scotia were burthened with mortgages by this system which the French wish to keep out. Among other matters, this Association also complain that under the existing system the French are enabled to send too many members to Parliament. Did not the same cause of complaint, as regarded the elective system, exist in Nova Scotia? The man who resides in Dartmouth complains that he has but one vote, while the man at this side of the harbour has two. An attempt had been made to rearrange the representation, but the attempt failed. We had not the courage or the impartiality to follow out a better system, and to equalize the elective privileges; should they, therefore, as we were called on to do, charge the same neglect as a high crime in others? Another charge against these Canadians should not be considered as of a very grave nature after the discussions of the last few weeks. They claim, it is said, for the Assembly of Lower Canada the control of the whole revenue of the Province, and some subjection of the Executive to their wishes. Are not

all the Assemblies engaged in similar attempts; do they not claim the management of the revenues, supposing that they can dispose of them to more advantage than the local governments, which, by having the control, are inclined to squander them on salaries disproportioned to the circumstances of the colonies? Another complaint is, that they sought the management of the waste lands. But what has this Assembly been trying to do on the same subject? What has the member for Queens been so anxious about all the session, and what has his committee been sitting so assiduously for, but to obtain some regulation of these lands in Nova Scotia? And why should we denounce a course which we ourselves have been following?

The Assembly of Nova Scotia should be careful not to encourage either of the parties which are before it. On the one side is the official party which are interested in misgovernment in the colonies; on the other is the party which foolishly plunged into rebellion;—neither should be taken by the hand. There was no justification for the rebellion; it was not even expedient; it had not a chance of success; not a chance existed of rearing a rational government, if the one opposed had been prostrated. To neither party can I extend a hand, but I am pleased to observe that there is a third party in Canada, one which embraces the moderate on both sides. Lord Gosford's system of justice and conciliation left the rebels without the excuses which they otherwise would have had. This third party sustains Lord Gosford's system; it embraces a large number, and includes most of the Catholic clergy; it is designated the Loyal Association of Montreal. I hold a declaration of that party in my hand which exhibits the evils that the two extremes caused, and urges the spread of better principles.

To remedy the evils which existed in Canada, the British Government had set aside the Constitution of the Provinces. I looked with some degree of jealousy on that act; but when I saw the spirit in which it originated, and the spirit which the people of Great Britain entertained towards Canada, I was not afraid of the prostration of the Constitution for a few years, and was satisfied that as good or better would be given when matters were fairly arranged. Shall Nova Scotia be less liberal than the mother country? Shall the people of this Province rise in judgment against their brother colonists and put the worst construction on their acts? No; we are bound to express our sorrow at the troubles which have occurred, and should let the blame lie where it ought to rest and not lend our aid to those who are leagued against the great body of the people.

The honourable and learned member for Richmond seemed inclined to advocate the establishment of a confederation of the colonies. I was almost charged with rebellion for broaching such a doctrine some time ago. The venerable parent of the member for Cape Breton had also started such a proposition. In Parliament the scheme has not been considered dangerous by any party. If the learned member seeks to second the views of the British Government in suppressing rebellion and preventing the recurrence of such a

disaster, I will go freely with him. If he seeks to invite a discussion on the subject of confederation and to make approaches to such a state of things, I am willing to second his views; but if he seeks to make the House of Assembly a party with the Montreal Association for the purpose of enabling them to establish their ascendancy over the mass of their fellow subjects, then I will not go with him. If such a state of things is to be attempted and carried out, the late will not be the last rebellion in that part of the colonies. The only way to maintain peace is that pursued by the British Government—extending the broad principle of lenity to all, treating them as froward children and not as a population all of which has been guilty of extreme crimes. In approaching the question of confederation, however, I would look narrowly to the principles on which the confederation should be formed. I would not pass any resolutions on that subject in a House so thin as the present, so near the end of the session and after so many members have returned to their homes. Under the circumstances, having not much more than half the usual number of members, and the rebellion being put down, the wisest course is not to pass any measures couched in strong language. The only effect such measures could have would be to tempt Lord Durham to take too much for granted which would be urged by the party that addressed the House; and so, perhaps, they might be the cause of wrong and evil. The better course is not to pass any of the resolutions proposed; that of Mr. Doyle might seem discourteous, and the Constitutional Association must be looked on as any other political body which might address the House through its Speaker. If any are to pass, those of the member for Inverness are least objectionable.

Respecting the confederation, it must be admitted that benefits would occur;—the regulation of trade, a court of appeal for the colonies, and other good results might be expected; but the subject should be approached with great delicacy. The House should be careful how it places a recommendation on record which may be cited at a future day. Nova Scotia is one of the smallest of the colonies, and might suffer in the arrangement. We might find that a confederation, instead of leaving the Province with its present evils in connection with the Colonial Office, would establish an office in the backwoods of Canada more difficult of access than that in London. A prince of the blood, perhaps, would be sent out with a large retinue of retainers to be provided for as the sovereign and court of the new state. On the other topic, that of the junction of Lower and Upper Canada, I entertain strong opinions. The annexation of Montreal to Upper Canada is anxiously sought, and if that cannot be obtained, then a junction would be desired by the same party. The effect of this would be to give a territory of immense extent to the United Provinces and in a few years a population of two or three millions. If this should take place without a general confederation, that Province would be too powerful to pay attention to the Colonial Office at home. How should Nova Scotians look at such a state of things? As a European state would look at a neighbouring power acquiring a large accession of strength; it would attempt to balance the

power; and I would prefer the separation of the Canadas to the growth of such a gigantic power as their union would cause. Supposing no general confederation to occur, it would be more prudent to have two moderate Provinces than one great country in the rear of the lower Provinces, overbearing all opposition in any arrangements which it chose to make. For these reasons I will not pass any resolution on this subject until much more deliberation can be had on it.

I again insist that the House should not countenance the assumptions of the Association which has sent in the address. As a specimen of the spirit of that party, I would refer to a paper which I hold in my hand, and which declares that the Governor of the Province and the Attorney-General should be hanged. That is the temper of the party which is arrayed against the Canadians. The House should not give an opinion on the subject in a hasty manner. It would be wiser now to defer the whole matter to next session than to express sentiments without due preparation on a matter of so much magnitude.

During this session the Quadrennial Bill, rejected by the Legislative Council in the previous year, was passed and became the law of the land.¹

On the 26th of April Mr. Howe left Nova Scotia for England and did not return until the 4th of November, having in company with Judge Halliburton (Sam Slick) travelled over a great deal of England, Ireland and Scotland, France, Belgium and Rhenish Prussia. His first impressions of the mother country are recorded in a series of papers, of which seventeen, sufficient to fill a small volume, were printed at the time, under the title of "The Nova Scotian in England." It is to be regretted that they were not continued.²

On the passage to England, the *Tyrian*, ten-gun brig, was overtaken by the *Sirius*, a steamer which had made a trial trip to America in defiance of the opinion of Dr. Lardner, and was on her return, within a few hundred miles of the coast of England. The captain of

¹ For this measure and for some others of acknowledged utility, the Province is largely indebted to Mr. Lawrence O'Connor Doyle. Mr. Doyle was a Nova Scotian by birth, of Irish parentage, and was educated at Stonyhurst College in Lancashire. He was a sound lawyer, a fine classical scholar, a genial and delightful companion. Too convivial to be industrious, and too much sought after in early life to be ever alone, his usefulness was to some extent marred by the very excess of his good qualities. Though different in their habits, a very sincere friendship existed between Mr. Doyle and Mr. Howe, and the latter often declared that, after seeing many of the choice spirits of both continents, he thought his friend the wittiest man he had ever heard or read of. Mr. Doyle removed to New York in 1855. Ten thousand of his jokes are scattered about the Province.

² These papers appeared in *The Nova Scotian* between July 1838 and August 1839.

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the *Tyrian* determined, when she ranged up alongside, to send his mails on board of her. Mr. Howe accompanied them, took a glass of champagne with the captain, and returned to the ten-gun brig, which rolled about in a dead calm with flapping sails, while the *Sirius* steamed off and was soon out of sight. Such a practical illustration of the contrast between the two motive powers was not likely to be lost upon such men as those who were left behind.¹ They discussed the subject daily. On landing, Judge Halliburton and Mr. Howe went down to Bristol to confer with the owners of the *Sirius* and *Great Western*. In London they discussed the subject with other colonists, and, aided by Henry Bliss and William Crane, of New Brunswick, endeavoured to combine all the North American interests in an effort to induce Her Majesty's Government to offer such a bounty as would secure to these Provinces the advantages of ocean steam navigation. On the 24th of August the following letter, prepared by Mr. Howe, was handed to Lord Glenelg, and answered by Sir George Grey on the 14th of September. The contracts for the conveyance of the mails by steam were announced a few months after, and Mr. Cunard boldly seized the opportunity to win fame and fortune, which by his enterprise he very richly deserved. All honour to the Nova Scotian who carried forward this great work with such signal success. But those gentlemen ought not to be forgotten who, at this early period, first turned the attention of British statesmen to a subject of so much importance.

LONDON, August 24, 1838.

MY LORD,—We, the undersigned, members of the Houses of Assembly of New Brunswick and Nova Scotia, at present in London, most respectfully beg leave to solicit your Lordship's attention to a subject of high importance to the inhabitants of those Provinces, to their more intimate connection with the mother country and to their peace and security as dependencies of the Crown.

Since the undersigned left the colonies, and after the close of the legislative sessions, the successful voyages made to and from England and New York have solved the problem of the practicability of steam navigation across the Atlantic, and rendered a revision of the system of packet communication between Great

¹ The most enthusiastic of these was Major Robert Carmichael Smith, brother to Sir James Carmichael Smith, formerly Governor of Demerara. This gentleman, between whom and Mr. Howe a sincere friendship existed, did much towards calling public attention to the importance of railroad communication with the East across the British American Provinces. The late Judge Fairbanks, and Dr. Walker of St. John, were also passengers on board the *Tyrian*, and fellow labourers in the good work of promoting ocean steam navigation.

Britain and her North American Provinces extremely desirable, if not a measure of absolute necessity. Assuming that no reasonable doubt can any longer be entertained that the commercial and public correspondence of Europe and America may now, and to a vast extent will be conveyed by steam, the question arises whether the line of packets between the mother country and the important Provinces of North America should not be immediately put upon a more efficient footing? This question, for a variety of reasons, is beginning to press itself strongly upon the minds, not only of the colonists generally, but of all those who in this country are engaged in commercial relations with them, or are aware of the importance, in a political point of view, of drawing them into closer connection with the parent state.

It is unnecessary to dwell on the character of the class of vessels hitherto employed in this service. The fearful destruction of life and property, the serious interruption of correspondence, consequent on the loss of so many of the ten-gun brigs, furnish decisive evidence on this point, while the general impression abroad that such of them as still remain are neither safe nor suitable sea-boats, ought at once to determine the Government, even if no further change were rendered necessary by the new circumstances which have arisen, to replace them by a very superior description of vessels. But to the undersigned it seems extremely desirable, at this period, to go much further, for the following among other reasons which might be urged.

Whether Great Britain shall or shall not preserve the attachment of, and continue her connection with, the North American Colonies, is not, as it is sometimes made to appear by individuals in this country, a mere pecuniary question. Even if it were, it would not be difficult to show that the advantages derived from that connection are reciprocally shared by the people of both countries; but assuming that from the rivalry of no other nation have the population of these Islands so much to fear as from that of the United States,—that from the energy of character, the general diffusion of education, and the application of industry to commercial and manufacturing pursuits, which that country has inherited from this with its habits and language, and which, applied to a field of boundless extent and resources, must attach importance to everything calculated to increase or diminish the relative commercial and political influence of either nation—the continuance of the connection already referred to assumes an aspect of intense interest, and swells into a magnitude which may well attract towards the topic now sought to be pressed upon your Lordship's attention, the serious consideration of the ministers of the Crown.

If Great Britain is to maintain her footing upon the North American Continent—if she is to hold the command of the extensive sea coast from Maine to Labrador, skirting millions of square miles of fertile lands, intersected by navigable rivers, indented by the best harbours in the world, containing now a million and a half of people and capable of supporting many millions, of whose aid in war and consumption in peace she is secure—she must, at any hazard of even increased expenditure for a time, establish such a line of rapid

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communication by steam, as will ensure the speedy transmission of public despatches, commercial correspondence and general information, through channels exclusively British, and inferior to none in security and expedition. If this is not done, the British population on both sides of the Atlantic are left to receive, through foreign channels, intelligence of much that occurs in the mother country and the colonies, with at least ten days, in most cases, for erroneous impressions to circulate before they can be corrected. Much evil has already arisen from the conveyance of intelligence by third parties, not always friendly or impartial; and, from the feverish excitement along the frontier, the indefatigable exertions of evil agents, and the irritation not yet allayed in the Canadas, since the suppression of the late rebellions, it is of the highest importance that a line of communication should be established, through which not only official correspondence but sound information can be conveyed. The pride, as well as the interests of the British people, would seem to require means of communication with each other, second to none which are enjoyed by other states.

The undersigned do not think it necessary, in this paper, to trouble your Lordship with many details. They conceive, however, that not only do the United States possess no peculiar advantages to entitle them to be the carriers of British and colonial passengers and correspondence, but that the route through Halifax has advantages that must give to this Government, if steamships are employed, the command of a line that cannot be excelled by any that either has been or can be established by the United States. That port is 550 miles nearer to England than New York, so that the sea voyage, other things being equal, would, on an average, occupy two and a half days less to the former than to the latter; the inland route from Halifax to Quebec, when certain improvements now in progress are completed, can be accomplished in less than six days—so that, if the facilities in the States should so far increase as to admit of the passage of intelligence in three and a half days between New York and the capital of Lower Canada, the American would have no advantage in expedition over the British line, while the latter would be even more certain, from there being little if any water carriage. It has been suggested that Bermuda should be the terminus of the long voyage, with branches from thence to the Provinces; but the very superior advantages which Halifax possesses, as the central point to which would be drawn passengers from the adjoining colonies, its abundant and cheap supplies of fuel and food, and its rapidly extending commercial relations, would seem to point to that port as the one from which such branch lines as may be necessary should radiate.

The undersigned, though they have no authority to represent upon this question the public bodies to which they belong, are so deeply impressed with the importance of the subject, so confidently assured that this communication expresses the feelings and sentiments, not only of their immediate constituents but of very large and influential classes, both in the mother country and the

colonies, that they trust your Lordship will pardon the liberty they have taken and afford to a measure which cannot fail to strengthen and increase the prosperity of the empire the powerful aid of your countenance and support.— We have the honour to be your Lordship's most obedient, very humble servants,

WILLIAM CRANE,
JOSEPH HOWE.

The Right Hon. LORD GLENELG.

(*Copy.*)

STEAM COMMUNICATION.

DOWNING STREET, *September 14, 1838.*

GENTLEMEN,—I am directed by Lord Glenelg to acknowledge your letter of the 24th ultimo, calling his Lordship's attention to the necessity, which the successful establishment of a steam communication between Europe and America has created, for an early improvement in the mode of carrying the mails between Great Britain and the North American Provinces.

Lord Glenelg desires me to assure you that he is deeply impressed with the importance of the subject, which has already engaged the attention of Her Majesty's Government; and his Lordship hopes that an arrangement may be effected, at an early period, by which the desired improvements in the communication between this country and the British North American Provinces will be accomplished.—I have the honour to be, gentlemen, your most obedient humble servant,

GEORGE GREY.

WILLIAM CRANE,
JOSEPH HOWE.

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CHAPTER VI

1839

Delegation to England—Mr. Howe declines to be a delegate—Resolutions appointing delegates—Speech on Civil List, Councils and Trade—Speech on Canadian affairs—Threatened invasion of disputed territory—Resolution to assist New Brunswick—Lord Durham's report—Resolution of Council disapproving of Federal Union—Lord John Russell's speech and resolutions—Four letters to Lord John Russell.

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LORD DURHAM was sworn into office at Quebec as Governor-General of British America, with extraordinary powers, on the 28th of May, 1838. Delegates from the different Provinces were invited to confer with his Excellency in the course of the summer.¹ He resigned in disgust, and landed in England on the 30th of November, and the session of the Legislature of 1839 opened on the 14th of January without any definite knowledge of what his report would contain.

A series of despatches were laid on the table of the House, but were little calculated to allay excitement or give satisfaction. The offer of the casual revenues was withdrawn; the Councils, as they stood, were sustained; the judges' fees were abandoned, but the officers were compensated out of the casual revenues. The request that all the outports at which collectors were maintained should be opened and the expense of collecting the revenue should be reduced, was evaded by reference to the Board of Customs, known to be hostile to that policy, while, as if to increase the irritation, five or six laws passed during the previous session were disallowed.

A delegation to England, it was now apparent, must be tried. When the despatches were read in the House, there was a spontaneous outburst of feeling from the benches occupied by the majority.

Mr. Morton on January 18th expressed his sorrow at the tenor of the despatches. He said there was but one course left to pursue, and that was to send a delegation to England. Mr. William Young

¹ The delegates from Nova Scotia were James W. Johnston, James B. Uniacke, William Young, and Mather B. Almon.

spoke at some length in the same strain. It appeared to him that the majority in the House, who desired the accomplishment of rational reforms,—reforms that might be defended by every intelligent mind,—could effect next to nothing. The despatches did not take him altogether by surprise; he had heard their general character. After hearing them more in detail, he had come to the conclusion, that the addresses and resolutions of that House, as opposed to the intelligence and activity and influence of those interested in maintaining abuses, were scattered to the winds; they were of no avail. There did seem some influence which counter-worked the desires of the House in their endeavours after reasonable reforms.

Mr. Herbert Huntington believed the difficulty arose in this country. There was a party in the town who preferred being governed by military force, rather than in a constitutional manner by the Legislature of the Province. The suspending of the Constitution in Canada strengthened the views of such persons, and they hoped for a similar state here.

Such was the temper of the House. A delegation to England was the common thought. Mr. Howe's natural position, as the leader of the majority, would have been at the head of it. Had he gone or expressed a desire to go, his motives in advocating the measure might have been suspected. He knew that all his influence would be required here to defend the delegation, to keep public opinion steady. He determined not to go, and to cut off all suspicion on the one side or solicitation on the other by promptly announcing his determination. Speaking on January 18th, he said:—

I feel so strongly on this subject that I will not trust myself with the expression of my feelings. I wish to calmly examine the despatches and to consider what is the best course for the House to adopt. I have heretofore felt that there were influences at work which rendered the Legislature in many instances useless. I said so on former occasions, and I am satisfied that the mischief does not rest with the people of England or with the Government. I believe that a better disposition never existed than in some of the present Government; but most of those who have access to the Colonial Office are persons who have a direct interest in keeping up the system in this country which is so much a matter of complaint. When an office becomes vacant, home go a sheaf of gentlemen to seek for it. Then, indeed, the salary seems quite adequate and the office every way desirable; but in a year or two another voyage is made, an increase of emolument is solicited, and they represent that the salaries which they sought, the offices for which

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they toiled and intrigued, are unworthy of their talents and industry. Against that kind of communication the House has to contend. And what, hitherto, has been the success? *There is hardly a public servant in the Province, who could not, by his representations and his influence, thwart any resolution or address which the assembled representatives of the whole country thought it their duty to adopt.* The House expires at each returning spring; the members are scattered to their homes in various parts of the country; but another body continues alive and active, and prepared to counteract whatever does not suit their views. Merchants and men in business—the constituents of this House—go frequently to England, as now, in the packet which is about to sail. But do they go to the Colonial Office? Do they approach the Government for the purpose of expressing what they know respecting the affairs and the views of the country? They do not. A very different class, however, do; those who receive the salaries alluded to, and who are interested in keeping up the existing system. For every Nova Scotian seen by the British ministry, who expresses the opinions of the Assembly, they see twenty who speak the opinions of the opposite party. Respecting a delegation, my opinion last winter was and now is, that that step should be a last resort, before we retire to our homes, despairing of accomplishing anything. I would advise the House to try that before giving up hope. I feel that I can recommend that course with the more freedom on account of my own resolution on the subject. I will say here in the face of my friends and enemies that I, as an individual, will have nothing to do with it; I will remain at home, ready to co-operate in any way that may be thought serviceable; but I will not be a member of the delegation. Having said so much, I will speak as I feel of the importance of the measure. If the House should send gentlemen to represent its views to the Home Government, I will give them all the aid in my power; but to prevent misunderstanding, or suspicion, on the subject, I take this opportunity of declaring that I will not be one of such a mission.

On the 25th of January, Mr. Howe moved that the House go into committee of the whole on the general state of the Province for the purpose of taking up the despatches. The debate was opened by Mr. Hugh Bell, who made an able and temperate speech and moved the following resolutions:

Resolved, That the despatches of the Right Honourable the Secretary for the Colonies, dated the 20th April, 28th June, 6th July, and 31st October, 1837, were hailed by this House with the liveliest satisfaction, as recognizing and enforcing, by the authority of the Home Government, most of the great principles which this House had asserted in their address of 1837, and still adhere to.

Resolved, That this House were more especially gratified by the cordial and frank admission of the claim of the Assembly to control and appropriate

the whole of the public revenue arising in the Province, including the casual and territorial revenue, the fees of office, the proceeds of land, the royalty paid upon the produce of mines, and the amount of the old Crown duties.

Resolved, That the condition imposed upon the surrender of these revenues to the control of the Assembly was cheerfully acquiesced in by this House, who have always recognized the propriety and the necessity, on constitutional grounds, of assigning an adequate and permanent provision for the chief executive and judicial officers of the Province; and the House received, as a gratifying proof of Her Majesty's confidence in this Assembly, the directions given to His Excellency the Lieutenant-Governor, to arrange the precise amount and terms of the proposed Civil List with the House, and the express declaration that the House were at liberty to exercise a sound judgment upon the amount and permanency of the salaries, and that the sums specified in the despatch of 31st October, 1837, were not to be insisted on, if smaller salaries were, in their opinions, sufficient for the proper maintenance of such officers.

Resolved, That the House having accordingly proceeded, in the last session, to consider the amount of salaries, which, in their judgment, ought to be granted for the permanent support of these officers, according to their station in society and the circumstances of the colony, and having communicated the result of their deliberations in their address to Her Majesty, have received with astonishment and concern the despatch of the 27th September last in which the Colonial Secretary has assumed an entirely new position; and withdrawing the consideration of the salaries from this House, to whom it most properly belongs, has directed the Lieutenant-Governor to insist on the sum of £4700 sterling, which, added to the sum of £3440 sterling, already secured by permanent Acts of this Legislature, exceeds the largest amount demanded last year and would enable the Government to allow to these officers a scale of salaries disproportioned to the means of the country and to the duties to be performed, and which the people of this Province and their representatives would condemn as an extravagant waste of the public funds, contrary to their declared wishes and to the real interests of the Government as well as of the people.

Resolved, That the House have also remarked with astonishment and regret the terms of the same despatch, dismissing their complaints of the composition of the two Councils. In requesting a reconstruction of the upper branch of the Legislature and of the Executive Council, this House sought not merely a change of men, but of principles; they were anxious that the patronage and favour of the Government should be equally diffused among all classes; that the representatives of the people should not be thwarted by the opposition of the upper branch, in their endeavours to introduce rational reforms and to enforce a wise economy; and that the temper and spirit of the local administration should be in accordance with the opinions and wishes of the great majority of the people.

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Resolved, That the House are dissatisfied with the composition of the two Councils, for the reasons set forth in their address of last year, and which the subsequent changes in these bodies, and the experience of their practical operation, as now constituted, have strengthened; and this House, as respects the Legislative Council and the spirit by which it is animated as compared with the representatives of the people, need only to refer to the resolutions and address on the subject of the Civil List, which were adopted by the Council in the last session and entered on their Journals.

Resolved, That a change in the composition of both Councils is in the judgment of this House indispensable to the public weal; and that many individuals are to be found in this Province whose independent principles and station in society well qualify them for occupying a seat at either board, without pecuniary remuneration.

Resolved, That this House deeply regret that Her Majesty has been advised to direct the disallowance of certain Acts of the Assembly, which they had passed after the fullest consideration and inquiry into all the circumstances of the case. The Act for regulating our internal postage would have saved us upwards of £1000 a year, and left to the Government the unrestrained and necessary control over that important branch of the public service. The Act for limiting the jurisdiction of the Admiralty Court was regarded by the commercial and shipping interests as a beneficial change of the law; and having been in use for nearly two years, and found to operate without injury to seamen, the House would deeply regret were its main object defeated by a representation in which they cannot concur; while the Acts for incorporating insurance companies, and for allowing certain bounties, though they may be in some respects opposed to the policy which the Government act on in the mother country, appear to this House well adapted to the local circumstances of the Province and to the advancement of its trade and manufactures.

Resolved, That this House have the fullest confidence in the sincere and generous disposition of Her Majesty to satisfy the reasonable expectations of her faithful and loyal Commons in this Province; and they attribute the disappointment they have experienced this session, not to any abandonment of the wise and constitutional principles announced in the despatches of 1837, but to a want of correct information derived from the proper sources on the part of Her Majesty's ministers.

Resolved therefore, That the House deem it advisable to appoint two of their members, possessing the confidence of the House, to proceed to England and to represent to Her Majesty's Government the views and wishes of this House and of the people of Nova Scotia on the subjects embraced in the foregoing resolutions and such other matters as may be given to them in charge.

In seconding the resolutions, Mr. HOWE delivered this speech:—

In rising, sir, to second the resolutions just moved, I must also apologize for the time which will necessarily be occupied on the subject. Several of the

topics have been heretofore fully sifted in this Assembly and an attempt to infuse novelty into them would result in failure. I feel satisfied, sir, that although some members on each side of the House, from long habit, are generally inclined to take opposite sides on such questions, the time has now arrived when the House is bound to feel, as I think it ought to have hitherto felt on this subject, which involves questions dear to us all as men, and which, if it were possible, ought to cause the dismissal of prejudice, and call forth one general, unanimous expression of sentiment. On former occasions, many who now feel as warmly as I do, thought that I was too ardent and too busy in disturbing the minds of the people of the country. My earnestness on such occasions may have arisen from my occupation in life. Several years ago my mind was as fully made up as now that a united effort should be made to get rid of injurious restrictions. I am glad, sir, that every year brings converts to my opinions in this House and in the country. My conviction becomes every day the more rooted that if we are to remain part of the British Empire, and I pray that we ever may, we must be British subjects to the fullest extent of British constitutional freedom—that freedom which consists in proper responsibility of government, and the control over the officers of the Province. My anxiety is, sir, to have Nova Scotia, as has been well expressed, incorporated with the islands on the other side of the water; I wish to make every Nova Scotian feel free from any sign of bondage, either of mind or body, confident that he walks abroad a Briton, in full equality with his fellow-subjects elsewhere. To raise them to that character, to enforce those principles, I have taken some trouble, and I feel to-day that all which has hitherto been done, has to be repeated. At this time last year despatches came to the House which were worthy of a British minister and which enabled us to grasp great principles with feelings of satisfaction and triumph. Such feelings had been expressed in the House and throughout the country, and the disposition was to meet the principles included in those despatches in a spirit of manly freedom and of firmness. Perhaps, in some points of pounds, shillings, and pence the House had attempted to stretch its authority too far; but the feeling with which those documents were received was very different indeed from that experienced this day. I wish that the British minister could have seen the feeling on both occasions; that his eye could run over every cottage in the country, and observe the alteration which his altered policy will occasion;—those of last year were received with extreme pleasure, those of this with disgust—I had almost said, execration. When the language on the two occasions was contrasted, it would not cause wonder that men should be distrusted who could in one moment offer an Indian gift, in the next withdraw it; in one moment speak the language of freedom, in the next the dictatorial style of a master to his slave.

I think, sir, that this subject divides itself naturally into three branches,—the Civil List, including the salaries, the Councils, and the trade of the Province. Respecting the first two, men's minds are pretty well made up. On these I

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will only contrast old views with some lately expressed, and inquire whether the opinions of the House as expressed during last session were unsound. The last topic strikes at the root of our trade and manufactures.

In referring, sir, to the Civil List and the salaries, allow me to remind the House what was the object of our pursuit at a former period, and what was the answer obtained. In 1837, we asserted in our address that the House had a right to the control and distribution of the casual and territorial revenues of the country, whether consisting of fees of office, sales of lands, royalty of mines, or the old Crown duties. Was there anything unreasonable in that—anything injurious to our brethren at the other side of the water? What did the Englishman of Kent or Sussex care for a share of our comparatively paltry revenues? He would be happy to see you, as he does himself, managing your own concerns, taxing yourselves, and laying out your income in a proper manner. There was not an Englishman but would scorn the supposition that he wished to interfere in such concerns. The demand made at the period alluded to was proper for the Legislature to make, and, sir, it was not made prematurely, for we saw those revenues squandered and misapplied for years. We also complained that the control possessed over that revenue by the ✓ officers of the Crown destroyed the legitimate influence of the representatives of the people. What would an Englishman say to those demands? He would say: "If you have my blood in your bodies or my spirit in your minds, secure a proper control over the officers of your country." He would say: "We, mistaking the real source of power, drew the sword and fought and asserted our rights by violence for centuries, but at last we discovered that the touchstone of liberty was the control over the supplies."

But, sir, what answer was made to those demands? You will well remember the feeling with which the recognition of them was received by the Assembly. The whole scope of our representations were not only approved of, but we were thanked for making them. We were told that Her Majesty did not make any reluctant concession, but gave a cheerful assent to our propositions, satisfied that they tended to strengthen the relations of the empire. Besides that general answer, a specific reply was made on the point of control over the revenues. The claim of the Assembly to ✓ appropriate those means was frankly admitted most specifically by Her Majesty. Such was the spirit of 1837. The right of the Assembly to apportion the salaries was as distinctly stated, and this formed the basis of our measure of 1838. I am anxious, sir, to get rid of these discussions which occur year after year; until they are settled on right principles there will never be peace, security, or happiness in the Province. The minister in 1837 said, that it was not a matter of consequence to the Government whether the salaries should be greater or less than the amount suggested, so they were fixed according to the good sense of the Legislature and the proper demands of the persons to be provided for. The minister also said that he would not stipulate for the precise amount of the total Civil List, and that he would

consider it injurious and unreasonable to suppose that the House would refuse to grant that which was requisite for public officers. If the minister, sir, could glance over the history of the Province, he would not have penned these lines under any supposition, but under accurate knowledge and assurance. Before I sat in this House, sir, I closely watched its proceedings. I have been interested in the progress of public affairs from my boyhood, and I never knew an instance of any public servant, of any man preferring a just claim, which was not frankly allowed. I have seen the Assembly squandering thousands in acts of liberality or on local improvements, but I never saw them refuse remuneration for duties performed. Now, sir, for the first time, it is attempted to fasten that paltry character upon you; now you are to be compelled to pay what in your hearts you feel to be unreasonable and unjust. The language of 1837 was as I have stated it, and the matter being left to those who were the best judges of what should be done, the House proceeded to arrange the bill of last session. They proceeded to provide for the support of every officer, feeling, as Nova Scotians should feel, that the mother country ought not to be called on to pay a farthing towards the officers of the Province. This was the feeling of the Assembly and the universal feeling over the country; our pride and sense of justice led to that conclusion and urged us to relieve the parent state of every fraction on our account. The salaries were accordingly settled on a certain scale. As so much has been said about these salaries and as the Civil List will be drawn into this discussion, allow me to say that the salary given to the Chief-Justice was £850 sterling. Every reasonable man capable of judging on the subject would say that this was adequate.

I admit, sir, that a man from the mother country, familiar with the profuse expenditure there, where a gentleman would spend as much on his hounds as you can appropriate to your roads,—that such a man would be at a loss to understand how such a sum would suffice for a Chief-Justice; but in proportion to our means and manner of living, I assert that we pay officers higher here than they do in England. In England the Chief-Justice could not walk thirty yards without meeting some half-dozen grocers who could buy and sell him so far as wealth went; but in that country no man thought of turning round to the Rothschilds and, because they had accumulated millions, arguing that the Chancellor of the Exchequer should be placed on a par with them. So we should not attempt to settle our scale of salaries with reference to the one or two wealthy men in the community, but to the general state of the Province,—its resources, wants, requirements, and duties. And what is the state of the Province, sir? I would ask any man familiar with the country, as I am proud to say I am with every part of it, whether if he travels from one end to the other, he will find, outside of Halifax, men in business who earn £500 sterling by their industry. Should we then take the one or two fortunate exceptions in this town as the criterion or the general scope of our resources and our habits as the measure in such matters? I would be the last

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man who would have judges and other officers so poorly paid as to be subject to harassing cares and temptations to corruption. No such thing was contemplated and it should not be supposed. We see fellow-citizens every day performing duties righteously and faithfully for comparatively small remuneration and we never suspect their integrity because their incomes are moderate.

On these principles of liberal economy, sir, the bill of last year was founded, and what was the result? Why, the consideration of the casual and territorial revenue has been withdrawn from the House; the salaries, of which we have been allowed to be the best judges, are fixed from these revenues; instead of being left to the discretion of the Legislature, as every Englishman would say they should be, they are fixed at rates which the Assembly would never agree to. That was one branch of the inquiry on the present occasion, and, in turning our minds to it, we are to consider whether we exceeded our authority in making the demands advanced—whether we went beyond the rights which British subjects should exercise. If we have, sir,—if in asserting our right to control the revenues of the country we did that which Englishmen should blush for and would condemn, then let us recede at once; let us say that we were in error, that we mistook our rights, that we mistook the condition of the country. But if we are satisfied of the reverse of this, let us feel, as I trust our posterity to latest generations will feel, that Nova Scotia has a right to the constitutional control of her revenues; let us feel that this is not a question of money so much as of principle. If the country feel as I feel, they would rather be taxed double or treble what they are taxed, than yield a sixpence on compulsion, contrary to the principles which every Englishman values so highly in the history of his country. This feeling, this principle, should be considered as part of our estate, and we should look on him who would rob us of it as we would on him who would deprive us of our property. On this subject, I regret to say that the ratified conviction of the minister in 1837 has now been violated and his concession withdrawn.

The other branch, sir, to which I will briefly address myself, is the construction of the Councils. To this I cannot turn with any degree of pleasure. It is far from pleasant to stand up in public and criticise the political conduct and principles of individuals; to say that I believe that such and such fellow-citizens entertain opinions contrary to the general feeling. This is not pleasant; but it is essential in the discussion of these questions. I will not go back, sir, to the history of the old Council; to what led the Assembly to bring the question before Her Majesty's Government; that plain statement of facts—facts not denied and standing prominently on the history of the Province—
 ✓ the Government had complimented the Legislature for bringing to their notice and the body complained of was dissolved. Without going back a step further, that may satisfy; when the case was explained, its force was acknowledged, and the existence of the body terminated. What was the language of 1837 on that topic? Several in this Assembly,—from a long examination of bodies, chosen by men in Downing Street, professing to represent the House of Peers,

though not selected as they are, and frequently assimilating to anything but that House—several came to the conclusion, that an elective branch was the only cure for the evils felt. It is not, sir, because that principle is put down in a neighbouring colony—because ordinances have taken the place of the Constitution there—because the bayonets glisten through its thoroughfares, that I shrink from avowing that principle. The events of the year have proved that these selected Councils, except under careful management, will make matters worse instead of better than they were. In the address transmitted a change was said to be necessary, and an elective Council or such other cure of the evil as would be effective was prayed for. The answer was that the Government was opposed to the principle of election in such bodies, but that certain principles had been adopted on which these Councils were in future to be constructed. What was the conduct of the Assembly on that occasion? Did they, as in Jamaica, say “No; you must comply with our wishes or we will not go on with the public business”? The House did not so act. It had more sense and more consideration of what was due to the Government and the country. Did it say “We will stop the supplies,” as was said in another colony? No. It said: “We will waive our own opinions—follow out your views; the principles announced in your despatches, if fairly followed out, we are willing to adopt.” Could any conduct be more reasonable than that? The Colonial Secretary gave his view of how these bodies were to be composed and his views were accepted with cheerfulness; we said we would give them at least a fair trial. What were those principles? One objection made was the overwhelming influence of one religious body at the board. The Colonial Secretary said in his despatches that that complaint was too well founded and that a comprehensive change should take effect. The Governor was, accordingly, directed to carefully avoid any such religious distinction. I do not hesitate to say here, sir, that those directions were not carried out. In both Councils, as every gentleman is aware, the invidious majority was continued—a majority which, as long as it stands, will prevent satisfaction and will give all the influence of Government to one class of people, which class only amounts to one-fifth of the whole. That state of things was continued in defiance of the Sovereign’s directions. What was complained of in the last address? Was there any new ground? No. We only said, Your Majesty gave directions which have been disobeyed by your officer at the head of the local government. He has composed the Councils, not in accordance with the principles set forth by your Majesty, but has again given the influence and patronage of these bodies to a class which only counts one-fifth of the whole population. I speak of that class here, sir, as at all other times, with respect. Many of them do not desire these distinctions; they repudiate such principles, and require nothing more than impartial justice. In the Executive Council, of twelve members, we find seven gentlemen represent one-fifth of the people, and five represent the other four-fifths! That was carrying out the principle with a vengeance. It was but a mere shuffling of the cards;

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the game continued as before. Turning to the Legislative Council, what was found? In a body of eighteen or nineteen, ten were of the favoured denomination. Was that following out the principles? In making these allusions, I would not be understood, sir, to reflect for a moment on the liberal Churchmen of the Province. Many of them desire a different state of things and do not approve of any improper distinctions. But, sir, in complaining to the Sovereign that her gracious intentions had not been carried out, did we do more than our duty? The question now is, on that point, will you reiterate your demand? What is now said on the subject? "True, we gave those directions in 1837; we laid down broad principles on which your Councils were to be constructed and thus induced you to accept our scheme; but now, forsooth, our officer having disobeyed our instructions, having violated express commands given in the most distinct manner, now, forsooth, you must try these bodies, see how they will behave, and if evil result, some ten years hence you may apply again and have the same farce played over once more." Our friends on the other side, sir, will no doubt make themselves merry at the difference of our feelings, last year and now, respecting the despatches. But, sir, a Colonial Secretary is nothing to me; despatches are nothing to me; the great principles of constitutional freedom which our fathers committed to us, which it is our duty to instil into the breasts of our children,—these principles, sir, are not to be trampled upon by a Secretary, or a bad system bolstered up by despatches on false grounds. But, sir, it will be amusing to turn to these documents for a moment. We are told that Her Majesty had received some *explanatory* statements respecting the construction of the Councils. These documents we, of course, have not before us, but I would much like to see them. They would be, no doubt, of a highly amusing character. We are told, sir, that Her Majesty received our address *very graciously*. No doubt the Queen is not deficient in politeness; but if Her Majesty could have witnessed the manner in which the despatches were received a few days ago, she would have observed, that although the usual formalities had been paid to our address, we felt that we received an answer which was not expected, and that the courtesy evinced did not preclude the necessity of complaining and that courtesy was of slight value if consideration and justice were wanting. It was further said that these Councils were but recently constructed and that there was but little opportunity of judging how they would perform their functions. That was the answer to a complaint of the Legislature founded on reasons adduced.

It is admitted that the instructions have been violated and disobeyed, and in answer to a call for the carrying out of the principles recognized by Her Majesty, we are told, Wait until the bodies are tried; you do not know much of them; you are mistaken in your opinions; wait until they get a fair trial. And after the trial, sir, there would no doubt be the same farce of remonstrance, of despatches, and of violation. Some other remonstrance besides the last should be sent, on receiving such a reply as this. It might be very well for

Lord Glenelg to give the gentlemen a trial,—to give them an opportunity—before judging. I judge them by their sense of consistency and what they consider integrity. I believe, sir, that the gentlemen will endeavour to carry out their principles in the other end of the building as they did here. Does not the Assembly know every man in the Council? Do not the people know them? Was there a schoolboy who did not know, the moment the lists of the Councils were sent abroad, that the directions had been disobeyed—that the rules laid down in the despatches had not been carried out? It would be folly for me, it would be injustice towards the gentlemen alluded to, to suppose, that they who here opposed, manfully, consistently, every liberal, every reform measure, would change by going to the other end, and controvert the principles which they had so long supported. I contend for it, that on view of these Councils, without waiting for any legislative action, it was our duty to remonstrate to the Sovereign and that duty was duly performed. But, sir, if we wanted materials for judging last winter, have they not since been furnished? I will not, sir, attempt to review the conduct of these bodies during the year. I was absent much of the time from the Province, and am not therefore so fit as I otherwise might be for the task; but I will take one act of each of the Councils, and venture a few remarks on both. It is in the memory of members that in consequence of Lord Durham's mission, a temporary dissolution of the Councils having taken place, a majority of the Assembly thought right to communicate their views to the Lieutenant-Governor; and a great outcry has been made respecting this step. I would ask any man, whether similar conduct in the House of Commons would have been thought improper? If a member there rose and moved that the House had no confidence in Her Majesty's ministers—that certain promises which had been made to the people had not been carried out, would he be stared at as having done something unusual and discourteous? The resolution which passed on the occasion alluded to was received by His Excellency in the gracious manner which became the head of the Government and he evinced no feeling on the subject; he could not be expected to act otherwise, acquainted as he was with the practice of Parliament. Was that, however, answered by a message, a remonstrance, at the bar of the House? No, sir; but the closing speech of the session was used in order, I will say, to insult this Assembly. An exercise of the distinct rights of this branch was declared in that speech to be a violation of the prerogative. If it was, sir, I must have read history to very little purpose indeed. But if that speech had stopped there, I would have thought but little of it and might have supposed that His Excellency had mistaken the nature of the resolution or his own powers as Governor. Another passage, however, occurred, which showed pretty plainly the kind of advice His Excellency had received. Referring to the construction of the Councils, he said that satisfaction could not be given to all, and that, no doubt, some individuals were displeased because they themselves had not been appointed. It is very true, sir, that there is some difference between an insinuation and an assertion;

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but when that passage was read, every man felt that a discourteous, improper, most impolitic, and an indecent use had been made of the occasion, and of the relation which the highest executive officer bore to the other parts of the Legislature. I felt but little personally; the insinuation could not apply to me; and many others with whom I acted were as little deserving of the insult as I considered myself to be. This however I take it, is one of the acts of the Executive Council. They may reply that they were not consulted; if so, what are they for? If they are to be treated with distrust or neglect, they have failed in one of the most valuable functions which they can be called on to exercise. Other things have occurred, appointments have been made, on which I might comment, but I feel that I am trespassing on your time, and pass on. [Here Mr. J. B. UNLACKE asked for the charge instead of the insinuation, and Mr. HOWE replied that he would give him enough of it before the debate ended. Mr. HOWE continued:] I admit, sir, that the Legislative Council have not done much within the past year on which charges might be founded except the refusal to pass some bills. But we judge them by what we know of them; and we see the influence there given to two or three gentlemen whose opinions are amply understood. The experience of past years justifies us in judging of them now; there could be no mistake on the subject; they are the men they were and I suppose they will continue to be so.

We will now look at the answer of the Council to the address of the House. It contained one very amusing, gentle insinuation, that you country gentlemen did not know what good society was,—how gentlemen ought to live. Many of you, no doubt, are plain men and live in an unostentatious style; but I think that most of you are acquainted with the state of the town, with the manner in which gentlemen should live, and with what ought to be paid to the officers of Government. On these points, however, the Council insinuate that you know nothing; although a passage of a former despatch evinces that Her Majesty then thought that your knowledge was sufficient. An insinuation of this kind, coming from the other end, was of some weight in showing the spirit which influenced the body. I was astonished, sir, in reading the first of the resolutions on which the Council's reply was founded, and I referred to a former opinion of the chairman of the committee who drew up that document. In the resolution it is stated that £3000 sterling is the least that ought to be paid to the Lieutenant-Governor of Nova Scotia. This morning, sir, I recollected that the chairman of that committee had expressed a different opinion in the debates of this House on a former occasion. I allude, sir, to the gentleman who represented Cumberland for some years in this Assembly. In 1834 he proposed that the then Lieutenant-Governor should receive £3500 lest any other proposition should occasion the dissent of Government, but that it should be provided that His Excellency's successor should only receive £2500. That was the language of 1834; but he has received new light since, and now he owns that £3000 sterling is the least that should be paid annually to any Lieutenant-Governor. References have also been made in the reply of

the Council to the salaries fixed in New Brunswick. But there, under different circumstances from ours, the salaries had been fixed too high, and a party was now rising in that Province aiming at their reduction, and such an attempt will be among the next class of popular questions there. The Speaker of the New Brunswick Assembly had asserted that the scale of salaries was £2000 above what it should be. Yet the Council, which was to co-operate with this House, and to express the opinions of the country, refer to the neighbouring Province for the purpose of thwarting our views in arranging the public expenditure. Contrast that opinion with what Lord Glenelg had expressed on the same subject. One matter should not be forgotten in this place. His Lordship, in his despatch of 1837, declared that he would not shrink from a reduction in the Governor's salary, and that he was pleased that the Governor concurred in the opinion that, on a vacancy in the office, a reduction might be accomplished for the future. Yet here was this precious Council, which was so anxious to co-operate with the Assembly, giving views in direct contradiction to the recommendation of the Crown and the recorded opinions of the chairman of their own committee. This was a manifestation of spirit and consistency gleaned from the history of the last year. Lord Glenelg also referred to New Brunswick, but not for the purpose of extracting more money from us. He said that here we had but a small revenue and did not receive the large sum which was handed over in that Province. Our Council however refer to it, not for the purpose of making a better bargain for Nova Scotia, but for the very reverse; not to effect a reduction, but to cause an increase. His Lordship said, on account of the disparity between the two Provinces, he could not press for the same provision here; the Legislative Council make a contrary use of the example. They also say, in New Brunswick a Master of the Rolls had been appointed with a salary of £800 sterling a year. That is an example for Nova Scotia. This morning, sir, I read a speech made in this House by the chairman of the Council's committee, in which, in 1834, he objected to raising that officer's salary to £800 currency, and thought £600 currency sufficient. Now, however, £800 sterling affords a good example. In these resolutions, also, an attempt was made, unworthy of a frank and candid mind, to fix on the House a principle which it never intended to establish. It was attempted to show that because we gave the exorbitant salaries to custom-house officers which were forced on the Assembly, and because we recognized that act as binding, that, therefore, we should admit the emoluments of the judges, although these were made up of fees not sanctioned by any law. If the Legislature recognized a law into which it had been coerced, but which had nevertheless been fully ratified, was that a reason why we should recognize what we had never acquiesced in and what had no law for its support? Yet, on an analogy so carried out, a recommendation in the resolutions had been founded. This may suffice respecting the resolutions of that body. I do wish, sir, that they had had a feeling for this young country when they made references to New Brunswick, instead of tempting the Government to fix the salaries

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at a rate too high for our means. Why did they not tell the whole truth in the matter and say, that in settling its questions of revenue that Province received in cash £170,000; and that it was free of debt; while Nova Scotia owed £120,000 and had no treasure to receive? That was the statement which should have been made, if the object was to give a fair view of the question. This body, sir, which was to co-operate with the Assembly and to represent the people so truly, did not say a word of the £83,000 which had been wasted in ten years, by a system of criminal, lavish profusion. One would suppose that a feeling for this young country, an anxiety to extend its resources, would induce to a reference to this fact. But neither that, nor anything of a similar tendency, was introduced into the representation. Yet the fact could be easily proved, and that the expenditure had occurred under a system which the country disapproved of and which struck at the root of public prosperity and at the dignity of that Legislature which should have the legitimate control over the public officers of the Province.

I will now, sir, make a few remarks on the despatches which have been received this session. And here I am struck with an acknowledgment of the receipt of two letters from officers in this colony, praying that they should not be left to the mercy of the Legislature. If such were written, they were derogatory to the sense of duty that these officers owed to the Legislature of the country in whose justice and wisdom they might have safely confided. How the people of England would laugh at a similar exhibition among themselves; if a couple of surveyors should address the Crown, praying that they should not be left for their emoluments to the House of Commons, but that the Queen should take their case particularly into consideration! Respecting the disallowance of the Oath Bill, I will make only one remark. I am sorry that the Act of the Imperial Parliament obliges us to do anything so offensive to our Catholic brethren. The member for Isle Madame remarked on this subject that he had reason to be satisfied; for Catholics had been, in this respect, emancipated from restrictions, while poor Protestants were not and were not likely to be. It is not worth while, sir, to bring the Shubenacadie Canal into this discussion. It has been referred to the officers of the engineer department and I suppose, if it is found not to interfere with the Citadel Hill or the powder magazine and if money can be obtained, the work may be prosecuted. The outport question has been long agitated throughout the Province as one of vital importance. In England, where a great debt exists, taxes have to be raised, not for mere purposes of regulation of trade, but to pay an enormous interest. There it might be necessary that commerce should be restricted to a certain number of ports. But did the same reasons apply here? Was there any reason why Arichat and Digby should not get every facility in their trade, and many other places along the seaboard? This subject, we are told, has been referred to the collector and controller at Halifax; to the tender mercies of these gentlemen it has been entrusted. I do not blame them for exercising a sound discretion and for giving their views to Government when-

ever they think it right to do so; but I recollect that a document went from a former Executive Council of which the collector was a member and that it was entirely counter to the Assembly's representation on this subject and that it quashed the matter. It remains to be seen whether the spirit infused into that document still continues. No doubt it does; the man will be consistent if he thinks himself right and the same fate will attend your application now as attended that on the same subject formerly. The next subject, sir, on which I spend a few moments is the Post Office application. Some who hear me may not well understand what the despatch means on this subject. The huge Corporation Bill of last year will be recollected; well, sir, during a former session, a bill was transmitted from the Post Office department in England, a bill about five times as large as the Corporation Bill, and it was such a bundle of absurdities that nothing could be made of it. The same went to the different colonies with like effect: all declined having anything to do with the unintelligible mass. Now, when we passed a Post Office Bill applicable to the Province, we are told that we might stop the mails. That might be said with a better grace in Canada; but it is said to us and the bill is disallowed. Regarding the fisheries, I will not longer occupy your time than to say, that when I heard the pompous announcement that we were to have the benefit of "an armed force," I thought there was an end of the American jigging of mackerel and illegal catching of codfish; but the despatch dispelled the delusion, for we are to have one vessel in the Bay and one in the Gulf, and we know how much our neighbours care for that kind of armed protection. But there was also a remonstrance to be made by the minister at Washington. No doubt, sir, that Van Buren will receive the representation on this subject, as Her Majesty received our address, *very graciously*, and that similar effects will follow. In this manner, other important topics have been treated; and if the Legislature shall agree in the terms of these despatches, the sooner our merchants and manufacturers remove from our shores the better for themselves.

If we cannot in this Province give encouragement to our fisheries, or to the manufacture of chocolate or tobacco or to insurance companies, unless the gentleman who writes the despatches is conciliated,—and if this Legislature agree to such a state of things, then farewell to the freedom of our Provincial Legislature and to the prosperity of the country. Of the Marine Insurance Company, it is said that it does not yield security and that its whole capital might be swallowed up; therefore, the Act of incorporation is not allowed. This was passed after a deliberate view of the circumstances and requirements of the country; the risk was ours and we might be allowed to follow the course which appeared to us most wise. But let us see the result of the operations of this company. In 1837, the stock of that company paid twelve and a half per cent., all risks settled; in 1838, it divided seventeen and a half per cent., and the present year it yields twenty per cent.: while, in addition to these large dividends, £1283 has been added to the paid-up

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capital. Now, sir, I would like to be informed whether this Legislature, or Mr. Stephen, in a back office of Downing Street, is the best authority to regulate such matters. It has been frequently said, sir, that these colonies are burthensome to the mother country, and that we should not complain of slight grievances because we have so many benefits; we are protected, and pay nothing for our advantages. The only or chief matter in the way of trade in which advantage is given, is in the timber business. The timber which comes from the adjoining Provinces has an advantage over the foreign article, which I would not defend on account of its effects upon the consumers at home. But if we are to be restricted for the benefit of merchants and manufacturers in the mother country, let us have some fair corresponding advantages. This and the advantage enjoyed in the West India trade, I look upon as a right, rather than a privilege. The Provinces pay very largely, in every way, by the advantages which the British trade enjoys in our market. In almost everything the foreign article is taxed in favour of the British—on a great number of foreign articles from ten to thirty per cent. In this manner we pay; and not the smallest, most insignificant article, could be brought in without thus contributing to the means of England. I do not complain of this; I only refer to it in order to answer a charge generally made. To me, sir, the dignity and integrity of the empire are dear, and I feel, I trust, as a British subject should feel,—proud of the history, and literature, and science of the mother country,—of belonging to that empire which presents to the world in all its phases an example of greatness and glory. But, sir, here is the country of my birth; this little spot between Cape North and Cape Sable is dear to me as a Nova Scotian above every other place; and, while priding myself in the glories of the empire, I respect, as a native should do, the soil on which I tread; and when invidious remarks are made would attempt their explanation.

For the reasons adduced, sir, I am inclined to support all the resolutions which have been laid on the table and have felt it to be my duty to bring the elements of the debate before the House, and ask whether members are willing to allow matters to remain as they now find them or whether they will take the only additional step that is open. In the despatches of 1837, Lord Glenelg invited a delegation and said, that if gentlemen should be deputed, they would receive every attention in his department. A delegation may not be able to accomplish all that is desired, but I believe that it may do much that will be very acceptable. It would do good by bringing Government in contact with one or two members of the House, who would represent the majority of the Assembly and of the country. An objection, no doubt, will be the expense. The expense, sir, compared with the principles involved, I consider as nothing. It would be only such an expense as the country would willingly pay, even by subscription were such a course necessary. The time has now arrived in which the House must recede or must maintain its ground; when we must repel additional evils attempted and make a full and personal expression of the grievances of the Province or fail in our duty. To those who like myself have

been long engaged in this struggle, I would say a few words; though the odds against us are great, we must still struggle on. Often, when I have considered the want of unanimity, the want of knowledge, and the want of energy among the people generally, compared with the wealth, the official influence and sagacity of those with whom we contended, I have felt that the chance of success was, at many periods, but very slight, and have experienced that sinking of the spirit which such reflections were calculated to produce; but I invariably endeavoured to rally, by considering what I owed to my country—by considering what others struggled through, and to eventual success. I turned to the history of those who had striven for the same principles and remembered how many hearts were broken in such attempts. Shall we not also do our duty in spite of difficulties now that we know the eyes of the population are turned on us? will we desert our post and allow our minds to be depressed by a sight of the course we have to run? Of what, in the end, need we be afraid? Will any Englishman find fault with us? He would say, What you are now contending for, I also struggled for, sword in hand. Yes, the history of John Bull himself, should stimulate to exertion in this cause; if the establishment of such principles as we contend for gave him such trouble and was at last proudly accomplished, ought not we to take courage? Is it a Scotchman who would find fault with our conduct? Let him turn to his own loved country, when a few officers were sent down from London to exercise all the power and influence of the land and when corrupt minions domineered over the energies of a whole people. When he reads his country's history aright, he will say that the struggle which we carry on constitutionally and peacefully is the produce of that spirit which has descended from the fathers to the children of his native land. Will an Irishman find fault? Let him glance over the green fields of his native island, and see how that country has been degraded and restricted from causes similar to those of which we complain—see how that country has been governed by the minority, until, in the most fertile vales of earth, the peasant toils from morning till night with not more than the food of a beast,—until the iron rigour of the system enters into his very soul. Then let him find fault with us for putting down in this Province the evils which obtained such mastery in his own home. Will Nova Scotians blame us? If I thought so, I would pray to Heaven every night that not another child might be born on the soil, but that a race so degraded should pass from the face of the earth.

The debate which followed lasted a week, and was listened to by crowded audiences. Much excitement prevailed. Hard hits were given on both sides. It was in this debate that Mr. J. B. Uniacke and Mr. Howe were nearly brought into personal collision. We omit several speeches made by the latter, preserving only a few passages which serve to illustrate the different views held at that time, by the two parties, on the subject of responsible government.

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Mr. Dodd, a member of the Executive Council, in defining his position, said that no responsibility rested on him. "I inquired particularly," he said, "before accepting my commission, whether I would be expected to carry out any particular measures of government. The answer was that I would not, that I might act my pleasure, and would not be embarrassed in any degree as a member of the Assembly."

Another member of the Council said, he wondered at such nonsense as for men to talk of representing the ministry of Great Britain in this colony and of carrying on the government in the same manner as they did in the Imperial Legislature.

A member of the Executive, in the Upper House, declared responsible government to be responsible nonsense. A vast majority in the Imperial Parliament, it was evident, entertained the same opinion. Hundreds of thousands of people, in British America, were at this period utter disbelievers in the practicability of the system now happily so firmly established. It required some nerve to face this opposition in 1839. Mr. Howe had the nerve. His first object was to have the resolutions passed and the delegates on their way to England. His next duty was to illustrate and explain what was meant by responsible government, in some popular form that would attract universal attention, reassure its advocates and reason down conscientious opposition.

On January 26th, Mr. Howe closed a general reply to the members of Government and their friends with this peroration :

But this House, Mr. Chairman, is not to be misled by jest or sarcasm. Though Nova Scotia is a small country, there are in these questions a dignity and an importance on account of the principles involved. Though the sums at stake are comparatively small, they become of consequence from their connection. The exaction of ship money in England seemed of very small moment in itself, but those who watched over the liberties of the nation made it of great importance. We have been told of peace and prosperity and were asked why we should complain ;—but, sir, there were peace and prosperity in many of the Roman colonies, although they were ruled by the Prætorian bands. The policy I wish to pursue is to have these British, not Roman colonies ; and I wish when British soldiers come among us, that they should feel, not as Roman warriors going into a subjugated colony, to govern it by the sword, but that they are coming to sojourn among Britons, who are their brethren by every national tie ;—that they are coming to assist them in governing themselves, not to deprive them of the pride and the privileges of freedom.

Replying to the leader of the Government, he said in the same speech :

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Often as I have heard that learned gentleman deal in extraordinary doctrines in this House he surprised me last evening : not satisfied with defending the construction of the Councils on the necessity of the case, he said that he trusted the time would never arrive when the Councils would be so constructed as to follow out the policy of the majority of the Assembly. That was a doctrine that would fall harshly indeed on the ears of an Englishman ; it would call up strange emotions in his breast to be told that the *government* of a country should stand in opposition to the *majority of the people*. In England, what Cabinet would think of maintaining such a position ; but here, the learned member undertakes to sneer at what he calls a mere majority. Let me tell the honourable gentleman that the Whigs now in office have not a larger majority to support them in the Commons than have the friends of these resolutions over the party who oppose them. Am I to be told that if a majority of six or seven be sufficient there eight or ten should not have influence here ? What a pretty government there would be, indeed, if the Executive were to be always opposed to the majority, and were to be governed by the minority only. [Mr. UNIACKE remarked here, that, as the honourable gentleman had answered what he did not say, he might as well answer what he did. He said that the Councils should not quail before a majority of that House, except on sound principles. Mr. HOWE continued :] The learned gentleman varies the expression without varying the meaning. What was the practice at the other side of the Atlantic and what here ? Here, two or three of a minority carried measures instead of the majority. There the Tory House of Lords indeed were sometimes opposed to ministers and the House of Commons, but in these cases the ministry had the executive with them. If our Executive Council was as we desired, there would be little cause of complaint. We complain here, because lords, and ministry, and executive, all stand in opposition to the majority of the House.

On January 29th Mr. Howe was compelled again to address the House at some length in consequence of charges of sympathy with the disaffected in Canada, which had been hazarded by the leader of the Government. In this passage distinctions are drawn sufficiently apparent now, but which were purposely slurred over in those days of party excitement :

Gentlemen who hear me are well aware, that until violence was attempted in the Canadas—until blood was drawn—no act had been committed by the Canadian party, with one or two exceptions, that was not in accordance with the views of every right-minded colonist. The moment that blood was shed—that force had been resorted to,—that moment they forsook the vantage ground

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that O'Connell knew so well how to use for the benefit of Ireland and of the empire; they commenced a course which was no longer subject to their control and which injured them in the eyes of those who had hitherto wished them well. How were we placed in relation to that people up to that moment? How was this House of Assembly placed in reference to the Legislatures of the Canadas. They were urging the redress of grievances in many cases like our own; they were striving for objects which we are struggling for now and know to be of such moment to Nova Scotia. Was I, as a public man, to set my face against them until it became apparent that they meditated violent changes and not constitutional reform? How did the case stand? Up to 1831, when the supplies were stopped, almost every act of the Canadian party was approved of by the majority of the population of the colonies and by right-thinking people in every part of the world. They procured the sanction of Mr. Neilson, at present an Executive Councillor of Lower Canada, and the sanction of the House of Commons. Up to that date, indeed, it was not necessary to say one word; the most solemn sanction had been given to their pretensions and acts by the British Government itself. And up to that time, in what position did that Constitutional Society, which has been introduced into this debate, stand? I do not know that this very society was in action, but in looking to the names that compose it, I find that a large proportion of them were opposed to every reform, to every improvement that was subsequently sanctioned by the British House of Commons. Shall I be told that any opinion of mine, up to that period, commits my loyalty or my integrity as a public man in the slightest degree? No attempt had been made in Nova Scotia to fasten a criminal course on the Canadians up to that time; and no such attempt had been made at home. But allow me to say that if any one will take the trouble to examine *The Nova Scotian* files, he will find that from the time that Neilson receded from the reformers there—from the time that they stopped the supplies, although I was in favour generally of the principles involved in the questions which they agitated and generally wished them success, I expressed a qualified assent, and, not only did not concur in all their acts, but, while I claimed for the colonists the abstract right, disapproved of the stoppage of the supplies, and intimated the consequences which might be expected to follow.

The charge was withdrawn in the most frank and honourable manner before the speech was closed. The strange antagonism which existed between the Executive and the Parliamentary majority was thus illustrated at a later stage of this debate, on January 30th, when Mr. HOWE said:

As so many remarks have been made on this question, I feel called on to say a few words on the principles which seem to govern appointments to office in England. Although, as has been intimated, men of every political party, Radical or Tory, might get the promotion which was due in the army and navy,

yet the patronage of the country was in the hands of that ministry who could command a majority in the Lower House. Here, what is the case? Just the reverse. It is true, that on some general questions, and on many details, members of the minority are found at the opposite side of the House; but none would say there is not, on the general principles of public policy, a strongly marked line dividing the two parties. Is it right then that selections should be made so as that the small minority only should be represented? Advice is not to be given on questions of patronage only, but in many important matters. Suppose a question between the majority and the minority to be submitted. [Mr. UNIACKE—What majority? Mr. HOWE continued:] I will admit that on some points gentlemen now on opposite sides vote together, but the learned gentleman is well aware that on general principles and also on the modes of carrying out the details of political questions, the different sides are sufficiently distinct and have been for years. Suppose that majority to be fairly represented in the Council, would the speech in answer to the resolution last year have been made? [Mr. UNIACKE said, that whether wilfully or not, the Constitution of the Provinces seemed to be misunderstood. The Council were not advised with on all occasions, and in such cases as that alluded to, His Excellency acted for himself. Mr. HOWE continued:] I do not say that the Province has any Constitution, but we are trying to fix one to-day. I will suppose another case. Some severe allusions were made in that speech, but if the members of the Executive Council, who sat in the minority in that House, were to advise a dissolution of the Assembly, would they not thus have a direct bearing on the conduct of the House? Or suppose on other questions, the men who vote against measures in the Assembly, again meet them, to give renewed opposition in the Executive Council, and in the presence of His Excellency, without any being there to represent the majority. I admit that we have not a ministry, but as the case stands, the popular side, or side of the majority, has not a single man to represent their views on those fundamental questions in which the country is so much interested. And is this a state of things which should continue? Will the House do its duty if it neglects to bring this strongly before the Crown? Difficulties exist respecting the arrangement of a body here, like the ministry in the mother country, but if the majority of the House possess the confidence of the Province, then I do not see how a large proportion of the constituency are represented in any manner at the Executive Council board, and the old system of governing by the minority is continued. One of the gentlemen selected by His Excellency from the House is one of the strongest opposers of every clause of the address by which the Executive Council was produced. If that address was a meritorious act, as had been stated in the despatch, then the most conspicuous opponent of it should not have been selected, under the instructions given in consequence of its adoption.

The resolutions were passed by large majorities on the 30th of January; and on the 1st of February, on motion of Mr. Howe,

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Mr. Herbert Huntington¹ was selected by a majority of 34 to 9, and Mr. William Young,² on motion of Mr. Bell, by about the same majority, to proceed as delegates to England.

The Legislative Council selected the Honourable Alexander Stewart and the Honourable Lewis M. Wilkins, as delegates to represent that body and to defend in England the old system of government. The delegates sailed in the spring and the battle was transferred for a time to the Colonial Office.

On the 26th of February of this year, a curious scene was presented in our Assembly. The controversy about the North-Eastern Boundary question, which had raged for years, and had been sharply discussed in pithy speeches and worn threadbare in interminable pamphlets, was brought by Governor Fairfield of Maine to the very verge of a bloody arbitrament by force of arms. On the 18th of February he sent a message to the Senate and House of Representatives explaining his reasons for marching troops into the disputed territory. His conduct was approved and \$800,000 voted to pay the expenses of this hostile invasion of what at that time was

¹ Mr. Herbert Huntington was a native of Yarmouth of New England origin, and tracing his blood back to the Cromwell family, often reminded one of the great chieftain of the Civil Wars. Strongly built, with a broad chest, a fine head, and an iron frame, he was physically brave and determined. Had he lived in Switzerland, he would have died rather than bow to Gesler's cap; and had he lived in England, he would have drawn his sword against Charles as a necessity of his nature. Hatred of tyranny and injustice formed the basis of his character. Sagacious, quick-witted and well-informed, he was a better speaker than Cromwell. He never wasted a word, but ran his thoughts, as men run bullets, into forms, compact, weighty and effective—and ready for offence or defence. He had none of the fanaticism of his great ancestor, but when in the mood was mirthful, convivial, and companionable. When out of health or out of humour, he was as moody and irascible as Oliver himself. Self-taught, his mind was nevertheless well stored. Bred a farmer and land-surveyor, on the borders of a mercantile community, he was familiar with the inner life and exterior relations of colonial society and brought to the discussion of every topic a clear head, a determined will, and much practical information. Mr. Huntington acted as Mr. Howe's second in the duel with Mr. Halliburton, in 1840. He died in 1851; and on his friend's motion, a monument was raised over his remains, in the churchyard of his native town, at the public expense.

² The Honourable William Young was the oldest son of Mr. John Young, whose letters of "Agricola" gave such an impulse to Provincial agriculture, in the days of Lord Dalhousie. Mr. Young was born and educated in Scotland, but came to Nova Scotia at an early age, and embarked at first in mercantile pursuits. These he abandoned for the bar, at which, after a practice of thirty years, he had but one rival and no superior. Mr. Young was Speaker of the Lower House, from 1843 (when Mr. Howe resigned the robes) till 1854, when he became Attorney-General and leader of the Government. Mr. Young was appointed Chief-Justice of Nova Scotia in 1860 and died on May 8th, 1887.

recognized by us as part of the Province of New Brunswick. Tidings of these proceedings reached Halifax by mail, and called forth a manifestation of loyalty and public spirit highly honourable to the Province and to all concerned.

Party feeling never ran higher in Nova Scotia. Public men were never more sternly divided by important questions of internal administration or of organic change. But when the honour of the British flag was menaced and the soil of a sister Province was about to be invaded, everything was forgotten except the common obligations which rested upon us as citizens of one empire and subjects of one sovereign. The Militia Laws had expired. The Executive was in a helpless minority; but Mr. Howe, having consulted with his friends, at once tendered to the Government their united support of any measures providing for the common defence which might be proposed. The offer was accepted. The Committee of Defence was enlarged by the addition of five members from the popular side of the House. In the evening a series of resolutions were reported and carried unanimously by which the Executive was authorized to draw out the whole militia force of the Province for the defence of New Brunswick and to expend £100,000, if necessary, in repelling the invaders. These resolutions having passed, the whole House rose and on motion of Mr. Dodd gave three hearty cheers for our brethren in New Brunswick and three times three for Her Majesty the Queen; the people who crowded the lobbies, and who shared the enthusiasm of the hour, rising and following the example.

We doubt if so novel and yet so honourable a scene was ever presented in any British Colonial Legislature. It is rather mortifying to reflect, however, that some years later the greater portion of this disputed territory was handed over to the State of Maine;¹ Canada and New Brunswick being nearly divided from each other and the best railway track between them surrendered to the United States.

Had the generous and magnanimous spirit displayed by the Liberal party on this occasion been comprehended or appreciated by their opponents, they would at once have made such changes as would have given general satisfaction. They would have been content at least to share power with those who commanded the confidence of the representative branch and to have given to Sir Colin Campbell the aid and support of those who had now shown

¹ Canadian opinion on the subject is not now unanimous. See *The University Magazine* for August, 1907

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their ability to strengthen and support his government. Their power to obstruct it had been for two years practically illustrated. But, unfortunately, the rulers of Nova Scotia in those days had their hearts hardened and their necks stiffened, until sure destruction came upon the system they vainly laboured to defend. The cheers of a united people had scarcely died away in the legislative halls, where £100,000 had been voted for the defence of the Provinces, when a grant of £1000 to pay the expenses of the delegates who were going to England to represent to their Sovereign the grievances of the colony, was rejected by the Legislative Council. The reason given was because the House had declined to pay the expenses of a counter delegation to be sent to oppose their policy. This attempt to obstruct all communication with the throne, except through the medium of the Executive, created a good deal of exasperation. It was determined to send the delegates at all hazards, and they embarked at their own cost and charges.

In February, Lord Glenelg resigned and was succeeded by Lord Normanby. Lord Durham's report was laid before Parliament and Mr. Howe had the satisfaction of finding the system of government which he had for years fought for in the midst of so many difficulties and discouragements, strongly recommended by Her Majesty's Lord High Commissioner, after due and careful investigation.

The appeal was now to Her Majesty's Government and to Parliament. The times were critical; the results no man could foresee. Lord Durham, sharply attacked in the House of Lords, and, as his Lordship conceived, but feebly defended by his friends, had thrown up his office and returned to England in disgust. But his health was declining and his days were numbered. Jealous rivals and powerful parties, even if he lived, might prevent the adoption of his suggestions. If he died, might not his report be buried in his tomb? The minorities in all the Provinces were in active and indefatigable hostility. Lord Durham had been fiercely attacked by clever colonial writers as he had been by powerful speakers in Parliament.

Mr. Howe's opinion of Lord Durham's report was given in a few sentences, which we extract from *The Nova Scotian* of April 11th, 1839:

We have risen from the perusal of this admirable exposition of the state of the British colonies in North America with a higher estimate of the powers of the noble Lord and a more sanguine anticipation of the ultimate termination of colonial misrule than we have ever ventured to form. We did not believe

that there was a nobleman in Britain, who had the ability and the firmness to grapple with the great questions committed to Lord Durham's care, in a spirit so searching and yet so frank; nor a man who in one short summer could collect and digest so much information and draw from it such a volume of instruction to the Government and people of England. It is impossible for a colonist to read this report dispassionately through and not recognize on every page the features of that system which has now become contemptible in the eyes of every man of common understanding, who has no interest in keeping it up. We wish a copy of this report was in the hands of every head of a family in Nova Scotia; for, although we shall take some pains, by extracts and abstracts, to give our readers some knowledge of its contents, it is a volume that every colonist should have upon his shelf. The people of Nova Scotia should study it as the best exposition that has yet been given of the causes of the dissensions in the Canadas, and containing the best suggestion for the avoidance of kindred troubles in all the Provinces, that has yet appeared. The remedy for the state of conflict between the people and the local executives, which prevails or has prevailed in all the colonies, has two prime recommendations, being perfectly simple and eminently British. It is to let the majority and not the minority govern, and compel every Governor to select his advisers from those who enjoy the confidence of the people and can command a majority in the popular branch.

No sooner was the report published here than a series of resolutions condemnatory of it were passed by the Legislative Council. The journals were searched, and another set, of a different complexion, moved by Mr. Howe, and seconded by Mr. Young, were adopted in the popular branch. So far did the Council carry its dislike of Lord Durham's policy at this period that a resolution was passed in the following terms, disapproving even of a federal union of the colonies:

Resolved, That a federal union of the British North American colonies would, in the opinion of this House, prove an extremely difficult, if not an impracticable measure; that the experiment, if practicable, would be eminently dangerous to the interests of the mother country as well as those of the colonies; that its tendency would be to separate the colonies from the parent state by imbuing the rising generation with a fondness for elective institutions to an extent inconsistent with the British Constitution; that it would involve the lower colonies, which are now contented and peaceable, with the political discussions of Lower Canada, and add greatly to their local and general expenditures, without producing any adequate benefit to them, to the Canadas, or to the empire at large.

It would now be very difficult to induce anybody in Nova Scotia to vote for this resolution.

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In June, Lord John Russell brought forward the measure promised before Easter, for the settlement of Canadian affairs. It disappointed the just expectations of colonial reformers, and was received more in sorrow than in anger in all the Provinces of British North America. Lord John Russell stood deservedly high in public estimation. Much was hoped from his moral courage and broad and statesmanlike views. When, in recommending a union of the Canadas, he adhered to the opinions of the preceding year and negatived Lord Durham's recommendation to concede responsible government, we were all disappointed. A good many really energetic men were completely discouraged. Mr. Howe viewed the matter differently. He insisted upon it that Lord John Russell did not understand the question. That, having only studied it from the imperial and not the colonial points of observation, it was not surprising that he should come to a hasty and erroneous conclusion. He was confident that if it were understood by the leading minds in the mother country, they could have no desire, as they assuredly had no interest, in maintaining, in five noble Provinces, modes of administration which generated, as a matter of course, oppression and discontent. With his characteristic cheerfulness and energy, he set himself to work to enlighten them.

He addressed four letters to Lord John Russell, which were immediately republished in nearly all the colonial newspapers. He printed them in pamphlet form, and sent them to every member of both Houses of Parliament, to the clubs, the reading-rooms, and to the newspapers in the three kingdoms. That our readers may exactly understand the position of this great question when this brochure was published, we give Lord John Russell's speech and resolutions:

There is another question upon which I am now going to state an opinion, which question, I think, is of the very greatest importance and upon which Lord Durham has expressed an opinion contrary to that entertained by this House—I mean the question with respect to the responsibility of the individual holding the office of Governor in the Province. Lord Durham has stated that an analogy existed between the representative of the Crown in the colony and the constitutional responsibility of the ministers in this country. He states that as soon as the ministers of the Crown have lost the confidence of the House of Commons in this country they cease to be ministers, and that they could not go on with the government with a constant minority. He adds that it is certainly a most unusual case for a ministry to go on for several months in a minority, and he then attempts to apply that principle to the local government of Canada. Now, the resolution of this House on this subject was

in these terms: "*Resolved*, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to that responsibility demanded by the House of Assembly of that Province."

This House upon my motion came to that resolution, and I must own that there is nothing in this report which has at all, in my mind, shaken the argument by which at the time I supported that resolution. It does not appear to me that you can subject the Executive Council of Canada to the responsibility which is fairly demanded of the ministers of the executive power in this country. In the first place, there is an obvious difference in matter of form with regard to the instructions under which the Governor of a colony acts. The Sovereign in this country receives the advice of the ministers and acts by the advice of those ministers, and indeed there is no important act of the Crown for which there is not some individual minister responsible. There responsibility begins and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown on the responsibility of a Secretary of State. Here, then, at once, is an obvious and complete difference between the Executive of this country and the Executive of a colony. The Governor might ask the Executive Council to propose a certain measure. They might say they could not propose it unless the members of the House of Assembly would adopt it, but the Governor might reply that he had received instructions from home commanding him to propose that measure. How, in that case, is he to proceed? Either one power or the other must be set aside,—either the Governor or the House of Assembly; or else the Governor must become a mere cipher in the hands of the Assembly and not attempt to carry into effect the measures which he is commanded by the home Government to do. But if we endeavour to carry out this analogy, there is one case that all the world allows is a case in which it could be applied

①—I mean the case of foreign affairs. If the Assembly of New Brunswick in the late collision carried on a dispute with the North American States—[Here some interruption occurred which gave rise to cries of "Order, order."] The subject [continued the noble Lord] is certainly a very important one, and although I may express myself in very inadequate terms, yet I do conceive that as it is in my opinion one of the most important points contained in Lord Durham's report and one on which I differ with him, I ought to state the grounds of that difference. I say if the Assembly of New Brunswick had been disposed to carry the point in dispute with the North American States hostilely and the Executive Council had been disposed to aid them, in my opinion the Governor must have said that his duty to the Crown of this country and the general instructions which he had received from the minister of the Crown, did not permit him to take that course, and, therefore, he could not agree with the Executive Council to carry into effect the wish of the majority of the Assembly. That is allowed. Does not then this very exception destroy the analogy you wish to draw, when upon so important a point as that of foreign

affairs, it cannot be sustained? Again, neither could this analogy be maintained with regard to ~~to~~ trade between Canada and the mother country or Canada and any foreign country; how then can you adopt a principle from which such large exceptions are to be made? If you were to do so you would be continually on the borders of dispute and conflict; the Assembly and the Executive on the one hand requiring a certain course to be pursued, while the Governor on the other hand would be as constantly declaring that it was a course he could not adopt; so that instead of furnishing matter of content and harmony in these Provinces, you would be affording new matter for dispute and discontent, if you were to act upon this supposed analogy. But supposing you could lay down this broad principle and say that all external matters should be subject to the home Government and all internal affairs should be governed according to the majority of the Assembly, could you carry that principle into effect? I say we cannot abandon the responsibility which is cast upon us as ministers of this great empire. I will put a case, one merely of internal concern, that occurred only the other day. Let us suppose that an officer of militia in Upper Canada after an action, was to order that the persons taken in that action should be put to death on the field. I can conceive it possible, in a state of exasperation and conflict with the people of the neighbouring state, that the Assembly might applaud that conduct and might require that it should be the rule, and not the exception, that all invaders of their territory should be treated in that manner and that the parties should be put to death without trial. Supposing that to be the case, could the Government of this country adopt such a rule? Could the Secretary of State for the Colonies sanction such a rule, and not decide, as his honourable friend the Under Secretary had done, that such a practice would meet with his decided reprehension? It is quite impossible to allow it to be laid down as a general principle that any part of the government of this country, conducted by ministers having the sanction of this House, shall be overruled by a colony, and that such colony shall not be subject to the general superintending authority of the Crown of these realms. I can conceive, sir, and I think that it would be the part of wisdom and of justice to say, that there are matters affecting the internal affairs of these Provinces,—that there are matters in which neither the Imperial Parliament nor the general Government need interfere and on which they should be anxious to consult the feelings of the people of the colonies. It seems to me, sir, as much a rule of sense as of generosity, that there are some questions on which it would not be desirable that, on the opinion of the Secretary of State for the Colonies, the opinion of the House of Assembly should be put on one side. I know no reason why the Legislative Assembly, whether of each separately, or of both Provinces united, should not be listened to with deference; but I am not prepared to lay down as a principle—a new principle—for the future government of the colonies, that we ought to subject the Executive there to the same restrictions as prevail in this country.

Resolved, That it is the opinion of this House that it is expedient to form a legislative union of the Provinces of Upper and Lower Canada, on the principles of a free and representative government, in such manner as may most conduce to the prosperity and contentment of the people of the United Province.

Resolved, That it is expedient to continue till 1842 the powers vested in the Governor and special Council of Lower Canada by an Act of last session, with such alterations of those powers as may be deemed advisable.

These resolutions, ably combated by the late lamented Charles Buller, than whom North America never had a more valuable friend or a more enlightened advocate, received of course the sanction of the House of Commons, who confirmed by their votes the doctrines which Lord John had laid down. Mr. Howe's protest against this decision, carried with it at the time the sympathies and suffrages of all North America. These letters, which are here reproduced, will bear perusal even now, and ought to be read by all who take an interest in the progress of a great controversy, out of which were slowly evolved principles of universal application to British plantations and communities in every quarter of the globe.

On the 26th of July, Lord Durham defended his report and policy in the House of Lords. In the autumn, Lord John Russell accepted the seals of the Colonial Office, and Mr. Charles Poulett Thompson was sent out as Governor-General of British America.

The delegates returned in October. They had succeeded in arranging satisfactorily a good many vexed questions. Five outports were opened to the advantages of foreign trade.¹ Her Majesty's Government had conceded the importance of uniting the Customs and Excise. Measures touching the Post Office and Crown Land departments were also matured and principles defined, by which controversy about local acts would be thereafter avoided. No change was to be made in the Councils, however, and the principle of executive responsibility was, as we have seen by the proceedings in Parliament, peremptorily negatived.

Mr. Howe's letters to Lord John Russell are as follows :

I

HALIFAX, NOVA SCOTIA, *Sept.* 18, 1839.

MY LORD,—I beg your Lordship to believe that no desire to seek for notoriety beyond the limited sphere in which Providence has placed me, tempts me to address these letters to you. Born in a small and distant Province of

¹ Cumberland, Parrsboro, Windsor, Shelburne, and Lunenburg.

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the empire, and contented with the range of occupation that it affords, and with the moderate degree of influence which the confidence of some portion of its population confers, I should never have thought of intruding upon your Lordship, had not the occupations of my past life, and the devotion to them of many days of toil and nights of anxious inquiry, led me to entertain strong opinions upon a subject which your Lordship has undertaken recently to discuss; and which, while it deeply concerns the honour and the interests of the empire, appears to be, by Her Majesty's present ministers, but little understood. Whether or not the Anglo-American population, upholding the British flag on this side of the Atlantic, shall possess the right to influence, through their representatives, the Governments under which they live, in all matters touching their internal affairs (of which their fellow-subjects living elsewhere know nothing and with which they have no right to interfere) is a question, my Lord, that involves their happiness and freedom. To every Nova Scotian it is no light matter that the country of his birth, in whose bosom the bones of a hardy and loyal ancestry repose, and whose surface is possessed by a population inferior in none of the physical, moral, or mental attributes which distinguish his race, to any branch of the great British family, should be free and happy. I share with my countrymen their solicitude on this subject; I and my children will share their deep disgrace, if the doctrines recently attributed to your Lordship are to prevail; to the utter exclusion of us all from the blessings and advantages of responsible government, based upon the principles of that Constitution which your Lordship's forefathers laboured to establish and ours have taught us to revere. To the consciousness of social and political degradation which must be my portion, if the future government of North America is arranged upon the principles recently avowed by the ministry, I am reluctant that the reflection should be added that the colonists were themselves to blame in permitting a great question, without ample discussion and remonstrance, to be decided upon grounds which they knew to be untenable and untrue. In addressing your Lordship on such a topic, it is gratifying to reflect that your past life is a guarantee that the moment you are satisfied that a greater amount of freedom and happiness can be conferred on any portion of your fellow-subjects than they now enjoy, without endangering the welfare of the whole—when once convinced that the great principles of the British Constitution can be more widely extended, without peril to the integrity of the empire—you will not hesitate to lend the influence of your great name and distinguished talents to the good old cause "for which Hampden died in the field and Sidney on the scaffold."

Lord Durham's Report upon the affairs of British North America appears to have produced much excitement in England. The position which his Lordship occupies as a politician at home naturally draws attention to whatever he says and does; and the disclosures made in the Report must appear so strange to many and the remedies suggested so bold and original to many more, that I am not surprised at the notice bestowed by friends and foes on this very

important document. From what I have seen, however, it is evident that his Lordship is paying the penalty of party connection; and that his opinions on Canadian affairs, instead of being tried upon their merits, are in many cases applauded or opposed, as his views of British and Irish politics happen to be relished or condemned. It is almost too much to expect that my feeble voice will be heard amidst the storm of praise and censure that this Report has raised; and yet there may be some, who, disliking this mode of estimating a state paper, or distrusting the means of judging possessed by many who express opinions, but whose practical experience of the working of colonial constitutions has been but slight—if indeed they have had any—may feel disposed to ask, What is thought of the Report in the colonies? Are its leading features recognized as true to nature and experience there? Are the remedies suggested approved by the people whose future destinies they are to influence and control?

The Report has circulated for some months in the colonies, and I feel it a duty to state the grounds of my belief that his Lordship in attributing many if not all of our colonial evils and disputes to the absence of responsibility in our rulers to those whom they are called to govern, is entirely warranted by the knowledge of every intelligent colonist; that the remedy pointed out, while it possesses the merits of being extremely simple and eminently British,—making them so responsible, is the only cure for those evils short of arrant quackery; the only secure foundation upon which the power of the Crown can be established on this continent, so as to defy internal machination and foreign assault.

It appears to me that a very absurd opinion has long prevailed among many worthy people, on both sides of the Atlantic; that the selection of an Executive Council, who, upon most points of domestic policy, will differ from the great body of the inhabitants and the majority of their representatives, is indispensable to the very existence of colonial institutions; and that if it were otherwise, the colony would fly off, by the operation of some latent principle of mischief, which I have never seen very clearly defined. By those who entertain this view, it is assumed, that Great Britain is indebted for the preservation of her colonies, not to the natural affection of their inhabitants—to their pride in her history, to their participation in the benefit of her warlike, scientific or literary achievements,—but to the disinterested patriotism of a dozen or two of persons, whose names are scarcely known in England, except by the clerks in Downing Street; who are remarkable for nothing above their neighbours in the colony, except perhaps the enjoyment of offices too richly endowed; or their zealous efforts to annoy, by the distribution of patronage and the management of public affairs, the great body of the inhabitants, whose sentiments they cannot change.

I have ever held, my Lord, and still hold to the belief, that the population of British North America are sincerely attached to the parent State; that they are proud of their origin, deeply interested in the integrity of the empire and

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not anxious for the establishment of any other form of government here than that which you enjoy at home ; which, while it has stood the test of ages and purified itself by successive peaceful revolutions, has so developed the intellectual, moral and natural resources of two small Islands, as to enable a people, once comparatively far behind their neighbours in influence and improvement, to combine and wield the energies of a dominion more vast in extent and complicated in all its relations than any other in ancient or modern times. Why should we desire a severance of old ties that are more honourable than any new ones we can form ? Why should we covet institutions more perfect than those which have worked so well and produced such admirable results ? Until it can be shown that there are forms of government, combining stronger executive power with more of individual liberty ; offering nobler incitements to honourable ambition, and more security to unassuming ease and humble industry ; why should it be taken for granted, either by our friends in England or our enemies elsewhere, that we are panting for new experiments ; or are disposed to repudiate and cast aside the principles of that excellent Constitution, cemented by the blood and the long experience of our fathers and upon which the vigorous energies of our brethren, driven to apply new principles to a field of boundless resources, have failed to improve ? This suspicion is a libel upon the colonist and upon the Constitution he claims as his inheritance ; and the principles of which he believes to be as applicable to all the exigencies of the country where he resides, as they have proved to be to those of the fortunate Islands in which they were first developed.

If the conviction of this fact were once acknowledged by the intelligent and influential men of all parties in Britain, colonial misrule would speedily end and the reign of order indeed commence. This is not a party question. I can readily understand how the Duke of Wellington and Sir Robert Peel may differ from your Lordship or the Earl of Durham as to whether measures should be carried, which they believe will impair and you feel will renovate the Constitution ; but surely none of these distinguished men would wish to deny the Constitution itself to large bodies of British subjects on this side of the water, who have not got it, who are anxious to secure its advantages to themselves and their children ; who, while they have no ulterior designs that can by any possibility make the concession dangerous, can never be expected to be contented with a system the very reverse of that they admire ; and in view of the proud satisfaction with which, amidst all their manly struggles for power, their brethren at home survey the simple machinery of a government, which we believe to be, like the unerring principles of science, as applicable to one side of the Atlantic as to the other, but which we are nevertheless denied.

Many persons, not familiar with the facts, may wonder how this occurs, and be disposed to doubt the correctness of my assertion. It seems strange that those who live within the British Empire should be governed by other principles than those of the British Constitution ; and yet it is true, notwithstanding. Let me illustrate the fact, by a few references to British and Colonial

affairs. In England, the government is invariably entrusted to men whose principles and policy the mass of those who possess the elective franchise approve and who are sustained by a majority in the House of Commons. The Sovereign may be personally hostile to them; a majority of the House of Lords may oppose them in that august assembly; and yet they govern the country until, from a deficiency of talent, or conduct, or from ill fortune, they find their representative majority diminished, and some rival combination of able and influential men in condition to displace them. If satisfied that the Commons truly reflect the opinions of the constituency, they resign; if there is any doubt, a dissolution is tried, and the verdict of the country decides to which party its destinies are to be confided. You, in common with every Englishman living at home, are so familiar with the operation of this system and so engrossed with a participation in the ardent intellectual competition it occasions, that perhaps you seldom pause to admire what attracts as little attention as the air you breathe. The cabman who drives past St. Paul's a dozen times a day, seldom gazes at its ample outline or excellent proportions; and yet they impress the colonist with awe and wonder and make him regret that he has left no such edifice in the west.

As a politician, then, your Lordship's only care is, to place or retain your party in the ascendant in the House of Commons. You never doubt for an instant that if they are so, they must influence the policy and dispense the patronage of the Government. This simple and admirable principle of letting the majority govern, you carry out in all your corporations, clubs, and public companies and associations; and no more suspect that there is danger in it or that the minority are injured when compelled to submit, than you see injustice in awarding a cup at Epsom or Doncaster to the horse that has won rather than to the animal which has lost the race. The effects of this system are perceptible everywhere. A peer of France, under the old régime, if he lost the smiles of the court suffered a sort of political and social annihilation. A peer of England, if unjustly slighted by the Sovereign, retires to his estate, not to mourn over an irreparable stroke of fortune, but to devote his hours to study, to rally his friends, to connect himself with some great interest in the state, whose accumulating strength may bear him into the counsels of his Sovereign, without any sacrifice of principle or diminution of self-respect. A commoner feels, in England, not as commoners used to feel in France, that honours and influence are only to be attained by an entire prostration of spirit, the foulest adulation, the most utter subserviency to boundless prerogatives, arbitrarily exercised,—but, that they are to be won in open arenas, by the exercise of those manly qualities which command respect; and by the exhibition of the ripened fruits of assiduous intellectual cultivation, in the presence of an admiring nation, whose decision ensures success. Hence there is a self-poised and vigorous independence in the Briton's character by which he strangely contrasts with all his European neighbours. His descendants in the colonies, notwithstanding the difficulties of their position, still bear to John Bull, in this respect, a strong

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resemblance ; but it must fade if the system be not changed, and our children, instead of exhibiting the bold front and manly bearing of the Briton, must be stamped with the lineaments of low cunning and sneaking servility, which the practical operation of colonial government has a direct tendency to engender.

From some rather close observation of what has occurred in Nova Scotia and in the adjoining colonies, I am justified in the assertion, that the English rule is completely reversed on this side of the Atlantic. Admitting that in Lower Canada, in consequence of the state of society which Lord Durham has so well depicted, such a policy may have been necessary ; surely there is no reason why the people of Upper Canada, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, should, on that account, be deprived of the application of a principle which is the corner-stone of the British Constitution—the fruitful source of responsibility in the Government, and of honourable characteristics in the people. If the Frenchmen in one Province do not understand, or cannot be entrusted with this valuable privilege, why should we, who are all Britons or of British descent, be deprived of what we do understand and feel that we can never be prosperous and happy without ?

Your Lordship asks me for proofs. They shall be given.

Looking at all the British North American Colonies, with one single exception, so far as my memory extends, although it has sometimes happened that the local administration has secured a majority in the Lower House, I never knew an instance in which a hostile majority could displace an Executive Council, whose measures it disapproved ; or could, in fact, change the policy or exercise the slightest influence upon the administrative operations of the Government. The case which forms the exception was that of the Province of New Brunswick ; but there the struggle lasted as long as the Trojan war—through the existence of several Houses of Assembly, and was at length concluded by an arrangement with the authorities at home after repeated appeals and two tedious and costly delegations to England. But the remedy applied, even in that case, though satisfactory for the time, can have no application to future difficulties or differences of opinion. Let us suppose that a general election takes place in that Province next year and that the great body of the people are dissatisfied with the mode in which the patronage of the Government has been distributed and the general bearing of the internal policy of its rulers. If that colony were an English incorporated town, the people would have the remedy in their own hands ; if they were entrusted with the powers which as British subjects of right belongs to them, they would only have to return a majority of their own way of thinking ; a few men would change places ; the wishes of the majority would be carried out, and by no possibility could anything occur to bring the people and their rulers into such a state of collision as was exhibited in that fine Province for a long series of years. But under the existing system, if a hostile majority is returned, what can they do ? Squabble and contend with an executive whom they cannot influence ; see the patronage and favour of Government lavished upon the minority who annoy but never

outvoted them; and, finally, at the expiration of a further period of ten years, appeal by delegation to England; running the hazard of a reference to a clerk or a secretary whose knowledge of the various points at issue is extremely limited—who has no interest in them, and who, however favourably disposed, may be displaced by some change in the position of parties at home before the negotiations are brought to a close. ✓

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In 1836, a general election took place in Nova Scotia; and when the Legislature met for the despatch of business, it was found that the local government had two-thirds of the members of the representative branch against them. A fair-minded Englishman would naturally conclude that the local cabinet, by a few official changes and a modification of its policy, would have at once deferred to the views and opinions of so large a majority of the popular branch. Did it do so? No. After a fierce struggle with the local authorities, in which the revenue bills and the appropriations for the year were nearly lost, the House forwarded a strong address to the foot of the throne, appealing to the Crown for the redress of inveterate grievances, the very existence of which our colonial rulers denied or which they refused to remove.

To give your Lordship an idea of the absurd anomalies and ridiculous wretchedness of our system up to that time, it is only necessary to state, that a Council of twelve persons administered the government, and at the same time formed the upper branch of the Legislature, sitting invariably with closed doors. Only five of these twelve gentlemen were partners in one private bank, five of them were relations, two of them were heads of departments, and one was the Chief-Justice, who in one capacity had to administer the law he had assisted to make, and then in a third to advise the Governor as to its execution. To heighten the absurdity of the whole affair, it is hardly necessary to add, that only nine of these twelve were members of a particular Church, which, however useful or respectable, only embraced one-fifth of the whole population of the Province. To the passage of certain measures for the regulation of our currency, the derangement of which was supposed to be profitable to those who dealt in money, the bankers were said to have opposed their influence. Any attempt at reduction of the expense of the revenue departments, the heads of which sat at the board, was not likely to prevail; while the patronage of the Government was of course distributed by the nine Churchmen, in a way not very satisfactory to the four-fifths of the people who did not happen to belong to that communion. Such a combination as this never could have grown up in any colony where the English principle of responsibility had been in operation. Indeed, there was something so abhorrent to British feeling and justice in the whole affair that Lord Glenelg at once decided that it was "too bad"; and, while in Her Majesty's name he thanked the Commons for the representation they had made, he directed the Governor to dissolve the old Council and form two new ones free from the objections which the Assembly had urged. ✓

Had the instructions given been fairly carried out, there is little doubt that in Nova Scotia as in New Brunswick, the people and their representatives

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would have been contented for a time, and would have felt that in extreme cases an appeal from their local rulers to the Colonial Secretary would be effectual. The existing machinery of government might have been supposed to be adequate to the necessities of the country with perhaps an entire revision and repair at the hands of the master workmen at home once in ten years, or whenever the blunders of subordinates in the colony had completely clogged its operations.

But mark the result. The Governor was instructed to call into the new Councils those who "possessed the confidence of the country." Now, you in England are simple enough to believe, that when the Whigs have, in a house of six hundred and fifty-eight members, a majority of eight or ten, they possess the confidence of the country, and if their majority should happen to be double that number, you would think it droll enough if they were entirely excluded from political influence, and if the new creations of peers and selections for the Cabinet should all be made from the ranks of their opponents. This would be absurd at home, and yet it is the height of wisdom in the colonies. At the time these commands were sent out, the party who were pressing certain economical and other reforms in Nova Scotia were represented by two-thirds of the members of the popular branch. The relative numbers have occasionally varied during the past three sessions. At times, as on the recent division upon a delegation, the reformers have numbered thirty-three to eleven, in a House of forty-six. On some questions the minority has been larger, but two-thirds of the whole may be fairly taken as the numerical superiority on all political questions, of the reformers over their opponents. It will scarcely be believed, then, in England, that in the new appointments, by which a more popular character was to be given to the Councils, six gentlemen were taken from the minority and but two from the ranks of the majority. So that those who had been thanked for making representations to the Queen and who were pressing a change of policy, were all passed over but two, while those who had resisted and opposed every representation were honoured by appointments and placed in situations to render any such change utterly hopeless. The Executive Council, the local cabinet of ministry, therefore, contained one or two persons of moderate views, not selected from the House; one from the majority, and eight or ten others, to render his voice very like that of the "man crying in the wilderness." He held his seat about half a year and then resigned; feeling that while he was sworn to secrecy and compromised by the policy he had not approved he had no influence on the deliberations of the Cabinet or the distribution of patronage. Things were managed just as much in accordance with the royal instructions with respect to the Legislative Council. The pack was shuffled, the game was to remain the same. The members of the majority, as I have said before, were all omitted in the new creation of peers, but one; while both from the House and beyond it some of the most determined supporters of old abuses were selected; and among them, a young lawyer who had shown a most chivalrous desire to oppose everything Her Majesty so

graciously approved; and who, in the excess of his ultra zeal, had, upon the final passage of the address to the Crown, when almost all his friends deserted him, voted against the measure in a minority of four.

Here, then, your Lordship has a practical illustration of the correctness of Lord Durham's observations, and may judge of the chance the present system offers of good colonial government, even when the people have the Queen and the Colonial Secretary on their side. Such policy would wither all hope in the Nova Scotians, if they did not confide in the good sense and justice of their brethren within the four seas. We do not believe that the Parliament, press, and people of England, when rightly informed, will allow our local authorities "to play such tricks before high heaven" or force us to live under a system so absurd, so anti-British, so destructive of every manly and honourable principle of action in political affairs. The House of Assembly, as a last resort, after ample deliberation, determined to send two members of that body as delegates to England to claim the rights of Englishmen for the people of this country. Your Lordship's declaration tells me that on this point they will be unsuccessful, but patient perseverance is a political characteristic of the stock from which we spring.

You ask me for the remedy. Lord Durham has stated it distinctly; the Colonial Governors must be commanded to govern by the aid of those who possess the confidence of the people and are supported by a majority of the representative branch. Where is the danger? Of what consequence is it to the people of England whether half-a-dozen persons, in whom that majority have confidence, but of whom they know nothing and care less, manage our local affairs; or the same number selected from the minority and whose policy the bulk of the population distrust? Suppose there was at this moment a majority in our Executive Council who think with the Assembly, what effect would it have upon the funds? Would the stocks fall? Would England be weaker, less prosperous or less respected, because the people of Nova Scotia were satisfied and happy?

But, it is said, a colony being part of a great empire must be governed by different principles from the metropolitan state; that unless it be handed over to the minority it cannot be governed at all; that the majority, when they have things their own way, will be discontented and disloyal; that the very fact of their having nothing to complain of will make them desire to break the political compact and disturb the peace of the empire. Let us fancy that this reasoning were applied to Glasgow or Aberdeen or to any other town in Britain which you allow to govern itself. And what else is a Province like Nova Scotia than a small community, too feeble to interfere with the general commercial and military arrangements of the Government; but deeply interested in a number of minor matters, which only the people to be affected by them can wisely manage; which the ministry can never find leisure to attend to and involve in inextricable confusion when they meddle with them? You allow a million of people to govern themselves in the very capital of the kingdom; and

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yet Her Majesty lives in the midst of them without any apprehension of danger, and feels the more secure, the more satisfaction and tranquillity they exhibit. Of course, if the Lord Mayor were to declare war upon France or the Board of Aldermen were to resolve that the duties upon brandy should no longer be collected by the general revenue officers of the kingdom, everybody would laugh, but no one would apprehend any great danger. Should we, if Lord Durham's principles be adopted, do anything equally outré, check us, for you have the power; but until we do, for your own sakes—for you are as much interested as we are—for the honour of the British name, too often tarnished by these squabbles, let us manage our own affairs, pay our own officers, and distribute a patronage altogether beneath your notice among those who command our esteem.

The Assembly of Nova Scotia asked in 1837 for an elective Legislative Council or for such other reconstruction of the local government as would ensure responsibility. After a struggle of three years we have not got either. The demand for an elective upper branch was made under the impression, that two Houses chosen by the people would sufficiently check an Executive exempt from all direct colonial accountability. From what has occurred in the Canadas; from the natural repugnance which the House of Peers may be supposed to entertain upon this point; and from a strong desire to preserve in all our institutions the closest resemblance to those of our mother country, a responsible Executive Council as recommended by Lord Durham would be preferred. Into the practicability of his Lordship's plan of a union of all the colonies under one government, I do not intend to enter; that is a distinct question; and whenever it is formally propounded to the local Legislatures, will be gravely discussed upon its own merits; but whether there be union or not, the principle of responsibility to the popular branch must be introduced into all the colonies without delay. It is the only simple and safe remedy for an inveterate and very common disease. It is mere mockery to tell us that the Governor himself is responsible. He must carry on the government by and with the few officials whom he finds in possession when he arrives. He may flutter and struggle in the net, as some well-meaning Governors have done, but he must at last resign himself to his fate; and like a snared bird be content with the narrow limits assigned him by his keepers. I have known a Governor bullied, sneered at, and almost shut out of society, while his obstinate resistance to the system created a suspicion that he might not become its victim; but I never knew one who, even with the best intentions and the full concurrence and support of the representative branch, backed by the confidence of his Sovereign, was able to contend, on anything like fair terms, with the small knot of functionaries who form the Councils, fill the offices, and wield the powers of the Government. (The plain reason is, because, while the Governor is amenable to his Sovereign, and the members of Assembly are controlled by their constituents, these men are not responsible at all; and can always protect and sustain each other, whether assailed by the representatives of the Sovereign

or the representatives of the people. It is indispensable, then, to the dignity, the independence, the usefulness of the Governor himself, that he should have the power to shake off this thralldom, as the Sovereign does if unfairly hampered by faction; and by an appeal to the people, adjust the balance of power. Give us this truly British privilege, and colonial grievances will soon become a scarce article in the English market.)

The planets that encircle the sun, warmed by its heat and rejoicing in its effulgence, are moved and sustained, each in its bright but subordinate career, by the same laws as the sun itself. Why should this beautiful example be lost upon us? Why should we run counter to the whole stream of British experience; and seek, for no object worthy of the sacrifice, to govern on one side of the Atlantic by principles the very reverse of those found to work so admirably on the other. The employment of steamers will soon bring Halifax within a ten days' voyage of England. Nova Scotia will then not be more distant from London than the north of Scotland and the west of Ireland were a few years ago. No time should be lost, therefore, in giving us the rights and guards to which we are entitled; for depend upon it the nearer we approach the mother country, the more we shall admire its excellent constitution and the more intense will be the sorrow and disgust with which we must turn to contemplate our own.

II

MY LORD,—I have read the speech delivered by your Lordship on the 3rd of June, as reported in *The Morning Chronicle*, several times; and beg your Lordship's attention to what I conceive to be the rational solution of the difficulties raised in that speech, to the concession of the principle of local responsibility. Had your Lordship been more familiar with the practical working of the existing colonial constitutions and with the feelings of the people who smart under the mischiefs they produce, you would not, perhaps, have fallen into some errors by which that speech is disfigured, or have argued the question as one in which the obvious, manifold, and vital interests of the colonists were to be sacrificed to fear of some vague and indefinite injury that might be sustained by imperial interests, if executive power were taken from the ignorant and given to the well-informed—if it passed from the hands of officers to whom but a nominal responsibility can attach into those of men subject to constant scrutiny and, whenever they fail in their duty, liable to exposure and disgrace.

Lord Durham recommends that the English rule, by which those who conduct public affairs resign when they have lost the confidence of the Commons, should be applied to the Executive Councillors in North America. Your Lordship denies the existence of the analogies upon which Lord Durham's views are based:

"It does not appear to me that you can subject the Executive Council

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of Canada to the responsibility which is fairly demanded of the ministers of the executive power in this country. In the first place, there is an obvious difference in matter of form with regard to the instructions under which the Governor of the colony acts. The Sovereign in this country receives the advice of the ministers and acts by the advice of those ministers, and indeed there is no important act of the Crown for which there is not some individual minister responsible. There responsibility begins and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor, receiving instructions from the Crown on the responsibility of a Secretary of State. Here, then, at once, is an obvious and complete difference between the executive of this country and the executive of a colony."

Now, my Lord, let me beg your Lordship's attention to a few of the reasons why I conceive that such an argument as this ought not to stand in the way of the permanent peace, prosperity and happiness of a million and a half of human beings. "The Sovereign in England receives the advice of the ministers and acts by the advice of those ministers;" but are there not limits assigned by law within which those advisers are bound to keep, and is not the Sovereign bound to know and to apprise the country when they overstep them? What is the question at issue now between Whigs and Tories? Is it not, whether, according to the spirit and practice of the Constitution, Sir Robert Peel had or had not a right to advise the changes in Her Majesty's household, upon which he insisted, before he would consent to form an administration? Suppose the present Cabinet were to advise Her Majesty to cut off Sir Robert's ears, or to bombard the city of London, would she obey, or would she not say, "Gentlemen, you are exceeding your powers, and unless you conduct yourselves with more discretion, you must resign"? It is plain, therefore, that there are bounds beyond which even in the mother country, neither the advisers nor the monarch can pass; and none who seek colonial responsibility are so mad as to require that corresponding restrictions shall not be binding here; that there shall not be a limit beyond which no Executive Councillor can pass and over which no representative of Majesty will consent to be driven. These bounds must be clearly defined in the Act of Parliament which establishes the new system or in the instructions sent to the Governors to be communicated to the Legislatures; and which they may, if they see fit, embody in a bill, which, so long as it exists, shall be, to all intents and purposes, the Constitution of the Colony.

But, your Lordship says: "The Governor is acting, not in that high and unassailable position in which the Sovereign of this country is placed." Why should he not occupy a position nearly as independent; and be perfectly unassailable, so long as he does not interfere (as the Sovereign would not dare to do) with matters for which others are responsible; nor allow himself or his Council to overstep those boundaries which British subjects on both sides of the Atlantic, for the protection of their mutual rights and interests, have

established; and for a jealous recognition of which he, in case bad advice be given him, is alone responsible? The Queen's position is unassailable only so long as she does not act which the Constitution does not permit to be done. The Governor, if assailed, would in like manner turn to the Constitution of the colony committed to his care, and show that on the one hand he had neither trenched upon the rights essential to the security of colonial liberty, nor on the other timorously yielded aught which the laws for the protection of imperial interests made it criminal to yield.

Your Lordship is mistaken, therefore, in supposing that the Sovereign is divested of all responsibility; although I admit it is much more difficult to call him or her to an account than it would be the Governor of a colony. If the Queen were to deprive Sir Robert Peel of his ears or open a few batteries upon London, an *émeute* or a revolution would be the only remedy; but a Governor, if he consented to an act which shut out British manufactures or was tempted to levy war upon a friendly state, could be called to account without difficulty or delay; and hence, I argue, that the facility and certainty of inflicting punishment for offences of this sort would prevent their commission and operate as a sufficient guard to the imperial interests which your Lordship seems so anxious to protect. If it be said that the people in a colony may sustain councillors who give unconstitutional advice, my answer is, that the same thing may occur in England. When it does, a peaceful modification of the Constitution or a revolution follows; but these cases are not so frequent as to excite alarm, nor is there any reason to believe that they will be more so in the colonies, whose power to enforce improper demands is so questionable.

"He is a Governor, receiving instructions from the Crown, on the responsibility of a Secretary of State." This passage suggests some reflections which I feel it my duty respectfully to press upon your Lordship's attention. One of the evils of the existing system, or rather haphazard mode of government devoid of all system, is the various readings given to the medley of laws, usages, and Colonial Office despatches by which we are at present ruled. An excellent illustration of the difficulty of obtaining an interpretation of these, about which there can be no mistake—which he who runs may read—may be furnished by contrasting the views put forth by your Lordship with those acted upon by Sir Francis Head; and which, after a bloody rebellion, brought on to prove the value of his theory, he still avows in every succeeding edition of his Narrative, with a consistency and complacency worthy of all praise. "The responsibility," says your Lordship, "*rests on the Secretary of State.*" "The responsibility," says Sir Francis Head, in every act of his government and in every page of his book, "*rests on me.*" From the moment of his entering into Upper Canada, he threw overboard all the instructions from the Colonial Secretary (who, according to your Lordship, ought to have been obeyed, for he was alone responsible); he struck out a course of policy entirely new; commenced "putting the padlock on the mind," to be followed by some hundreds of handcuffs on the wrists, and padlocks on the body. His language

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to Lord Glenelg throughout was, "*You must support me,*"—"The fear is that *I will not be supported at the Colonial Office.*" In fact, from first to last, Sir Francis gave instructions to, instead of receiving them from, the Secretary of State; and finding that Lord Glenelg would not permit him to try his experiments in government and combat the fiery dragon of democracy in the bosom of a British Province, at the cost of a good deal of blood and treasure and the prospects of a foreign war, without occasionally offering a little advice, the worthy Baronet resigned; and has ever since been publishing his complaints to the world, and claiming its sympathy, as a sufferer for conscience' sake, in upholding the only correct reading of colonial constitutions, and which the Secretary of State, and the Whig Government of which he was a member, did not understand. The doctors in this case differed; the patient was left prostrate, mangled, bleeding and exhausted, listening to their altercations, but suffering from every gash made to convince each other at her expense; and there she lay, until recently; when, beginning to suspect that both had been talking nonsense and trying absurd experiments, she lifted her languid head, stretched out her wounded limbs, and began to fix her eyes upon the only remedy by which health could be restored.

Let us, in order to convince ourselves that the conclusion to which Upper Canada is coming after all her sufferings is a sound one, examine the two prescriptions and modes of treatment; and ascertain whether either contains anything which ought to rescue it from the oblivion that invariably closes over the nostrums by which the science of politics, like the science of medicine, is often disfigured for a time.

A colony where the Governor is alone responsible is Sir Francis Head's interpretation of the system under which we live. It is one very much affected by colonial Governors everywhere. Unlimited power within a wide Province is a beautiful idea for an individual to indulge, especially when it is attended with but little risk and only nominal responsibility. Of all the British colonial Governors who have wielded this vast authority; plumed themselves upon the possession of these plenary powers and, in the exercise of them, vexed, distracted and excited to disaffection one Province after another, how many have been tried and punished? How many have met with even a reprimand from the ministry or a cold look from the Sovereign whose authority they had abused? I leave your Lordship, whose historical reading has been much more extensive than mine, to point out the instances; I have searched for them in vain. It is true that debates in Parliament occasionally arise upon such subjects; but these, judging by their practical effect, can hardly be taken into account. A Governor knows well that, so long as he holds office, the ministry by whom he was appointed will defend him; that their majority in the Commons precludes the possibility of a vote of censure being passed against him; that the Duke, under whom he probably served, having a majority in the Upper House, he is perfectly safe, so long as he commits no act so flagrant as to outrage the feelings of the nation and which,

coming home to the heart of every man and woman in England, would make it unsafe for any parliamentary combination to attempt to protect him. Thus fenced in during his administration, what are his perils when he retires? The colonists, too happy when rid of the nuisance to be vindictive, and hoping better things from a successor, of whom they are unwilling to suspect any evil, cease to complain; his Excellency is removed to another Province, with a larger salary, to act the same farce over there; or retires to his estates in the mother country, to form one of that numerous body of ex-Governors who live upon the consciousness of having, once within their lives at least, wielded powers within a wide range and over the destinies of many thousands of their fellow-beings, such as are never permitted to be wielded by any individual, however high his rank or widely extended his influence, without full and ample responsibility, within the British Islands themselves. These men, whether they go into Parliament or not, always sympathize with Governors abroad acting upon their darling theory; and, as they are often consulted by ministers who know perhaps a little less than themselves, they are always at hand to stifle the complaints of the colonists when appeals are made to England.

Your Lordship will perceive, therefore, that when a Governor declares, as did Sir Francis Head, that the responsibility rests on him, he merely means that he is about to assume extensive powers, for three or four, perhaps for eight or ten years, without the shadow of a chance of his ever being called to account for anything he may do or leave undone. To enable you to form some idea of the peace, prosperity and satisfaction likely to be diffused over a Province by a Governor acting upon this principle and exercising these powers, let me request your Lordship to imagine that, after twenty or thirty years of military service, by which I have become disciplined into a contempt for civil business and a fractious impatience of the opinions of all beneath me in rank, Her Majesty has the right and graciously deigns to exercise it, of making me Mayor of Liverpool. Fancy that, up to the moment when the information is conveyed to me, though I have heard the name of that city several times and have some vague notion that Liverpool is a large commercial port in England, yet that I neither know on what river or on which side of the island it is situated nor have the least knowledge of its extent, population, requirements or resources; the feelings, interests, prejudices or rights of its inhabitants. Within a month, having had barely sufficient time to trace out the situation of the place upon the map, read a book or two about it, hear an under-secretary talk an hour or two of what neither he nor I understand; receive a packet of instructions—of which a half-a-dozen different readings may be given—and become thoroughly inflated with my own consequence, I find myself in Liverpool; and feel that I am the great pivot upon which all its civil administration, its order and defence, its external relations with the rest of the empire and the rest of the world turns; the fountain from which its internal patronage is to flow; and to which all, for a long period of years,

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must look for social and political ascendancy, if they have no merit; and, if they have, for a fair consideration of their claims.

Your Lordship will readily believe, that a man thus whisked away from the pursuits which have occupied his thoughts for years and plunged into a new scene, surrounded by human beings, not one of whose faces he ever saw before; called to the consideration of a thousand topics with almost any one of which the assiduous devotion of half a life would be required to make him familiar, and having to watch over vast interests, balance conflicting claims, decide on the capacity of hundreds, of whose characters, talents and influence he is ignorant; to fill offices, of the duties of which he has not the slightest conception;—that a man so situated, must be either very vain or very able, if he is not appalled at the extent of the responsibility he has assumed; and must be an angel of light indeed, if he does not throw the good city of Liverpool into confusion. This, my Lord, is no fancy sketch; no picture, highly coloured to produce effect, but which, on close examination, an artist would cast aside as out of drawing; it is a faithful representation of what occurs in some British colony almost every year.

But it may be said, all this is granted and yet there is the Legislature to influence and instruct. Liverpool shall still serve for illustration, and we will presently see to what extent the representative branch operates on the conduct of a gentleman who assumes the responsibility and is placed in the circumstances described. Let us suppose that the city charter gives me for my advisers, from the moment I am sworn in, ten or a dozen individuals, some of them the heads of departments, enjoying large salaries and much patronage; others, perhaps, discarded members of the popular branch and not a few selected by no rule which the people can clearly understand, but because they happened to flatter the vanity of one or other of my predecessors or to be connected with the families or favourable to the views or interests of some of those by whom they were advised. This body, be it observed, by usage never departed from, hold their situations as councillors for life; the people have no control over them, neither have I; they are sworn not to inform upon each other, nor is it necessary that they should; because, as I have assumed the responsibility, and they for their own interest favour the theory, if anything goes wrong they can lay the blame on me. This body then, which owes no allegiance to the people of Liverpool; which often, in fact, has an interest the very reverse of theirs; which, suspected of usurpation and improper influence, pays back the imputation with unmeasured contempt; and hardly one-fifth of whose number could, by any possibility, be thus honoured if their seats depended on popular selection; this body I am compelled to call around me in order that my administration may commence, for without some such assistance, I am unable to take a single step. They come; and there sit, at the first council board, the *responsible* Mayor, who knows nothing and nobody, and his *irresponsible* advisers, who, if they do not know everything—and they are seldom greater witches than their neighbours—know their friends, a lean

minority of the citizens, from their enemies, the great majority ; and are quite aware that, for their interest, it is necessary that I should be taught, as soon as possible, to despise the latter and throw myself into the arms of the former. Will any sensible man, calmly viewing the relative situations, opportunities and powers of the parties, believe that any act of administration done, or any appointment made for the first six months, is my act or my appointment? I may choose between any two or three persons whose names are artfully set before me, when an office is to be filled, and if determined to show my independence may select the worst ; but I must choose from the relatives and friends of my advisers or from the small minority who support them in the hopes of preferment ; for to that section the whole of the city patronage must be religiously confined ; and it is of course so managed, that I scarcely know or have confidence in anybody else.

Can your Lordship believe that such a state of things would give satisfaction to the citizens? Would they not begin to grumble and complain, to warn, to remonstrate, and to expose the machinations and manœuvres of the monopolists? It would be very odd, and they would be very strange Englishmen, if they did not. But, as I have come to Liverpool to demonstrate the beauties of this system of city government, which I highly approve ; as I have assumed the whole responsibility and become inflated with the consciousness of my extensive powers ; and, above all, as I am taught by my advisers to look upon every complaint of the *system* as a libel upon my judgment and an insult to my administration—I very soon begin to dislike those who complain ; to speak and write contemptuously of them in private and in public ; to denounce any who have the hardihood to suggest that some alterations are required, by which the opinions and rights of the majority shall be respected, as men dangerous to the peace of the city and disaffected towards Her Majesty's person and government ; until, in fact, Liverpool becomes very like a town, in the olden time, in which the inhabitants generally being hostile to their rulers, the latter retire to the citadel, from which they project every description of missile and give every species of annoyance.

By-and-by the time arrives for the legislative branches of the city government to assemble. One of these, being elected at short periods, under a low franchise, which includes the great body of the independent citizens, may be taken as a fair reflection of all their great interests, their varied knowledge, passions and prejudices ; the other is a body of life legislators, selected by my advisers from among their own relatives and friends ; with a few others, of a more independent character, to save appearances, but in which they always have a majority of faithful and determined partisans. The business commences ; the great majority of members in the representative branch—speaking the matured opinions of the people—complain of the system and of the advisers it has placed around me ; expressing the fullest confidence in me, whom they cannot suspect of wishing to do them harm, but asking my co-operation towards the introduction of changes without which, they assure me, the city never can

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prosper. But my advisers having a few of their adherents also in this body, they are instructed to declare any change unnecessary; to throw every obstruction in the way; to bully and defame the more conspicuous of those who expose the evils of the existing system; and to denounce them all as a dangerous combination, who, with some covert design, are pressing, for factious objects, a series of frivolous complaints. Of course, as the minority speak the sentiments which I have imbibed and put themselves forward as my personal champions on all occasions, they rise in my esteem exactly in the same proportion as the other party are depressed, until they become especial pets, and from their ranks, as opportunities occur, all vacancies are supplied, either in the list of irresponsible advisers who in my name carry on the government or in the number of life legislators who do their bidding in the upper branch.

I respectfully beg your Lordship to ponder over these passages, which I assure you are true to nature and experience; and ask yourself, after bringing home such a state of things to the bosom of any British city, how long it would be uncomplainingly endured? or how long any ministry, duly informed of the facts, would wish it to continue? Look back, my Lord, and you will find in every rotten corporation, swept away by the immortal Act of which your Lordship was one of the ablest defenders, a resemblance to our colonial governments as they at present stand, too strong to be mistaken; and let me venture to hope, that the man who did not spare corruption so near the national centre of vitality, who did not hesitate to combat these hydra-headed minorities who, swarming over England, everywhere asserted their right to govern the majorities, will not shrink from applying his own principles—the great principles of the Constitution—to these more distant, but not less important portions of the empire.

Your Lordship will, perhaps, urge that Sir Francis Head succeeded in pleasing the people and getting the majority on his side. Admitting the full force which the worthy Baronet gives to this case, it is after all but the exception to the general rule. The true history of events in Upper Canada, I believe to have been this: A small but desperate minority had determined on a violent revolution; this party might have contained some men so wicked that a love of mischief and desire for plunder were the governing principles, and others, moved by attachment to republican institutions; but small as it was, the greater number of those found in its ranks had been driven there by the acts of another equally small and equally desperate minority, who had long monopolized,—and, under the present system, may and will monopolize for a century to come—the whole power and patronage of the Government, dividing among them the revenues of the country. The great mass of the people of Upper Canada belonged to neither of these bands of desperadoes. They were equally determined with the one, to uphold British connection; and as equally determined with the other, to get rid of a wretched system of irresponsible local administration, under the continuance of which they well knew the Province could never prosper. When Sir Francis Head arrived, he

entered the colony—if we are to believe his own account of the matter—almost as ignorant as my imaginary Mayor of Liverpool. Sir Francis admits his ignorance, but denies the consequences that must be deduced from it: that he was led and influenced, in the first acts of his administration, until the compact found him ripe for their own purposes and embroiled even with the moderate men on the other side. Then commenced that extraordinary flight of proclamations, addresses and declamatory appeals; which, winged with the ready pen of a professional author and shot from the long-bow of the family compact, created so much false excitement, and carried so much misrepresentation into every corner of the Province. In these the great question at issue in Upper Canada—which was one between the interests of the family compact and the principles of the British Constitution—was winked out of sight; and the people, not only of that, but of the surrounding colonies, were made to believe that they were to choose between British and republican institutions; that Sir Francis and the family compact (Archdeacon Strachan with the Clergy Reserves, one-seventh of the Province; and Attorney-General Hagerman, with the corrupt patronage and influence of administration, under their arms) represented the former; and Mackenzie, and his band of desperadoes, the latter. Thus appealed to, the British population everywhere, as the cunning men at Sir Francis' elbow well knew they would, said, with one voice: "If that is the question, then we are for the British Constitution; and hurrah for Sir Francis Head!" Mackenzie was an outlaw in a week; his small band of desperadoes was scattered by the energy of the people, the great mass of whom never dreamed of breaking the connection with the mother country. Then came the period in which the compact glorified themselves and Sir Francis; the fever of loyal excitement in which the miserable minority of officials—feeling strong in the success of their manœuvres and still stronger in the strength of British thousands profusely spent, regiments of militia to be officered, equipped and paid—began to wreak their vengeance upon every man who had been known to be hostile to their monopoly; and to identify opinions, not more extreme when thoroughly understood, than those held by the most moderate section of the Whigs in England, with "privy conspiracy and rebellion." But the period was fast approaching when this unnatural excitement was to subside; when hundreds of thousands of British subjects, looking steadily through the mists that had been raised around them, were to ask of each other: "Has this case been decided upon the true issue? Was that the question?" For evidence of the solemnity with which this inquiry has been put and the all-pervading unanimity with which it has been answered, I refer your Lordship to the meetings which have been held in every section of the Province; to the opinions boldly expressed by every newspaper—with a few, chiefly venal exceptions—printed in Upper Canada; to the bold and determined stand taken by many of the bravest and ablest men who crushed Mackenzie's rebellion and beat back the sympathizers upon the frontier; to the extraordinary union of Orangemen and Catholics, Methodists, Baptists,

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Churchmen, and Presbyterians; whose watchwords are British connection and British responsibility, and down with the compact, and the absurd idea cherished by Sir Francis Head, of a government in which the whole responsibility rests upon the Governor. If your Lordship doubts the utter explosion of your theory, even in this Province, where for a time I admit it seemed to flourish, the approaching general elections will furnish evidence enough, and even Sir Francis, if he were to come out again with another sheaf of proclamations and addresses, and preach this *unitarian* doctrine of responsibility, would no longer be listened to by the Upper Canadians, who have embraced a higher and purer faith.

Having as I conceive then, shown your Lordship that the idea of a colony in which nobody is responsible but the Governor, while his responsibility is only nominal, however delightful it may appear in the eyes of those who have been or hope to be Governors, is one that never can be a favourite with the colonists and has been repudiated and rejected by those of them among whom, for a limited period and under a system of delusion, it seemed to flourish; let me turn your Lordship's attention for a few moments to the doctrine maintained by Lord Glenelg against Sir Francis Head and now put forth by your Lordship in opposition to the Earl of Durham—that the Colonial Secretary is alone responsible and that the Governor is an agent governing the Province by instructions from him.

Whatever new readings may be given of our unwritten constitutions, this is the one which always has been and always will be the favourite with Colonial Secretaries and under-secretaries, and by which every clerk in Downing Street, even to the third and fourth generation yet to come, will be prepared to take his stand. And why? Because to deprive them of this much-talked-of responsibility, which means nothing, would be to deprive them of the power to which they cling; of the right of meddling interference with every petty question and every petty appointment in thirty-six different colonies. While things remain as they are, the very uncertainty which reigns over the whole colonial system invests the Secretary of State with a degree of power and influence, the dim and shadowy outline of which can scarcely be measured by the eye; but which, from its almost boundless extent and multiform and varied ramifications and relations, possesses a fascination which few men have been born with the patriotic moderation to resist. Though a Secretary of State may occasionally have to maintain, in a particular Province, a doubtful struggle for the whole responsibility and the whole of the power, with some refractory Governor, like Sir Francis Head; yet even there he must exercise a good deal of authority and enjoy a fair share of influence; while in all others his word is law and his influence almost supreme. A judge, a crown officer, a secretary, or a land surveyor cannot be appointed without his consent; a silk gown cannot be given to a lawyer without his sanction; while his word is required to confirm the nomination of Legislative Councillors for life and irresponsible Executive Councillors, in every Province, before the Queen's mandamus is prepared.

The very obscurity in which the real character of colonial constitutions is involved of course magnifies the importance and increases the influence of the gentleman who claims the right to expound them. More than one-half the colonists who obtain audiences in Downing Street are sent there by the mystifications in which the principles of the system are involved ; while the other half are applicants for offices, which under a system of local responsibility would be filled up, as are the civic offices in Manchester and Glasgow, by the party upon whose virtue and ability the majority of the inhabitants relied. Adopt Lord Durham's principle, and above all, give to each colony a well-defined constitution based upon that principle and embodied in a bill, and "the office" will become a desert. The scores of worthy people, with spirits weary of the anomalous and cruel absurdities of the system and sincerely labouring to remove them, now daily lingering in the ante-rooms, would be better employed elsewhere, in adorning and improving the noble countries which gave them birth, and whose freedom they are labouring to establish ; while at least an equal number of cunning knaves whose only errand is to seek a share of the plunder had much better be transferred to the open arenas in which, under a system of responsibility, public honours and official emolument could only be won. But then the office of Colonial Secretary would be shorn of much power, which, however unwisely exercised, it is always delightful to possess ; the dim but majestic forms of authority which now overshadow half the world would be chastened into reasonable compass ; with boundaries, if less imposing and picturesque, for all practical purposes more simple and clearly defined. Nor would under-secretaries and clerks have so many anxious and often fawning visitors soliciting their patronage, listening to their twaddle, wondering at their ignorance, and yet struggling with each other for their smiles. The mother country would, it is true, hear less of colonial grievances ; Parliament would save much time now devoted to colonial questions ; and the people of England would now and then save a few millions sterling, which are required to keep up the existing system by force of arms. But these are small matters compared with the dignity of a Secretary of State.

Here then, my Lord, you have the reason why your reading of our constitutions is the favourite one in Downing Street. Let us see now whether it is more or less favourable to rational freedom and good government in the colonies than that advocated by Sir Francis Head. Your authority and that of Lord Glenelg is with me in condemning his, which I have done, as deceptive and absurd ; he will probably join me in denouncing yours as the most impracticable that it ever entered into the mind of a statesman to conceive.

The city of Liverpool shall again serve us for the purposes of illustration. Turn back to the passages in which I have described a Mayor, ignorant of everything, surrounded by irresponsible but cunning advisers ; who for their own advantage embroil him with a majority of the citizens, while his countenance and the patronage created by the taxes levied upon the city are monopolized by a miserable minority of the whole, and insulted and injured

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thousands, swelling with indignation, surround him on every side. After your Lordship has dwelt upon this scene of heartburning and discontent—of general dissatisfaction among the citizens—of miserable intrigue and chuckling triumph, indulged by the few who squander the resources and decide on the interests of the many, but laugh at their murmurs and never acknowledge their authority—let me beg of you to reflect whether matters would be made better or worse, if the Mayor of Liverpool was bound, in every important act of his administration, to ask the direction of and throw the responsibility on another individual, who never saw the city, who knows less about it than even himself, and who resides not in London, at the distance of a day's coaching from him, but across the Atlantic, in Halifax, Quebec or Toronto, and with whom it is impossible to communicate about anything within a less period than a couple of months. Suppose that this gentleman in the distance possesses a veto upon every important ordinance by which the city is to be watched, lighted and improved—by which docks are to be formed, trade regulated and one-third of the city revenues (drawn from sources beyond the control of the popular branch) dispensed. And suppose that nearly all whose talents or ambition lead them to aspire to the higher offices of the place are compelled to take, once or twice in their lives, a voyage across the Atlantic to pay their court to him—to solicit his patronage and intrigue for the preferment, which under a better system would naturally result from manly competition and eminent services within the city itself. Your Lordship is too keen-sighted and I trust too frank, not to acknowledge that no form of government could well be devised more ridiculous than this; that under such no British city could be expected to prosper and that with it no body of Her Majesty's subjects, within the British Islands themselves, would ever be content. Yet this, my Lord, is an illustration of your own theory; this is the system propounded by Lord Normanby as the best the present Cabinet can devise. And may I not respectfully demand why British subjects in Nova Scotia, any more than their brethren in Liverpool, should be expected to prosper or be contented under it; when experience has convinced them that it is miserably insufficient and deceptive, repugnant to the principles of the constitution they revere and but a poor return for the steady loyalty which their forefathers and themselves have maintained on all occasions?

One of the greatest evils of the colonial constitution as interpreted by your Lordship is, that it removes from a province every description of responsibility and leaves all the higher functionaries at liberty to lay every kind of blame at the door of the Secretary of State. The Governor, if the colonists complain, shrugs his shoulders and replies that he will explain the difficulty in his next despatch, but in the meantime his orders must be obeyed. The Executive Councillors, who under no circumstances are responsible for anything, often lead the way in concentrating the ire of the people upon the Colonial Secretary, who is the only person they admit their right to blame. It is no uncommon thing to hear them, in Nova Scotia, sneering at him in public

debate; and in Canada they are accused of standing by while Lords Glenelg and Melbourne were hanged in effigy and burned in the capital, encouraging the populace to pay this mark of respect to men whom, if your Lordship's theory is to be enforced, these persons at all events should have the decency to pardon, if they cannot always defend.

(I trust, my Lord, that in this letter I have shown you that in contemplating a well-defined and limited degree of responsibility to attach to Executive Councillors in North America, I have more strictly followed the analogies to be drawn from the constitution than has your Lordship, in supposing that those officers would necessarily overstep all bounds; that in divesting the Governor of a vague and deceptive description of responsibility which is never enforced and of a portion of authority which it is impossible for him wisely to exercise, and yet holding him to account for what does fall within the scope of his character as Her Majesty's representative—the constitutional analogy is still preserved, his dignity left unimpaired and the difficulties of his position removed. I trust also that I have proved to your Lordship that the colonial constitutions, as they at present stand are but a medley of uncertainty and confusion; that those by whom they are administered do not understand them; and lastly, that whether Sir Francis Head's interpretation or your own be adopted, neither offer security for good government; the contest between them merely involving a difference of opinion as to who is to wield powers that neither governors nor secretaries can usefully assume, and which of these officers is nominally to bear the blame of blunders that both are certain to commit.)

III

MY LORD,—The next passage of the speech of the 3rd of June, which I am bound to notice, is that in which you say :

“The Governor might ask the Executive Council to propose a certain measure. They might say they could not propose it unless the members of the House of Assembly would adopt it, but the Governor might reply that he had received instructions from home commanding him to propose that measure. How in that case is he to proceed? Either one power or the other must be set aside; either the Governor or the House of Assembly, or else the Governor must become a mere cipher in the hands of the Assembly and not attempt to carry into effect the measures which he is commanded by the Home Government to do.”

This objection is based upon the assumption that the interests of the mother country and those of the colonies are not the same; that they must be continually in a state of conflict; and that there must be some course of policy necessary for the Imperial Government to enforce, the reasons for which cannot be understood in the colonies, nor its necessity recognized. This may have been the case formerly in the West Indies, where the conflict was one between the ideas engendered by a state of slavery and a state of freedom; but it is

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not true of the North American Provinces, to the condition and claims of which my observations are chiefly confined. Of all the questions which have agitated or are likely to agitate Nova Scotia, New Brunswick, or Prince Edward Island, how few, when rightly understood, can be said to involve any imperial interest or trench upon any principle dear to our brethren at home or the concession of which could disturb the peace of the empire? Have any of these colonies claimed a right to regulate the foreign trade or foreign policy of the empire? Have they ever interfered, except to carry out the views of Her Majesty's Government, with any of the military or naval operations? Have they exposed a grievance, the continued existence of which is indispensable to the well-being of the British Islands; or demanded a right the concession of which would not be serviceable to themselves without doing the least injury to the people of Britain? For what have they asked? For the control of their own revenues and the means of influencing the appointment and acts of the men who are to dispense them, and who are besides to distribute hundreds of petty offices and discharge functions manifold and various within the colony itself. The people of England have no knowledge of these matters, nor any interest in them, to give them the right to interfere. Interference does much mischief to the colonists and can do no good to their brethren across the water. (If British statesmen would let these things alone—and it is over these only that we claim to enforce responsibility—and confine themselves to those general arrangements affecting the whole empire, of which we admit them to be the best judges and in the conduct of which we never asked to take a part, it would be impossible to conceive how such a case could arise as that supposed by your Lordship, or how the Governor could be charged with “a measure which his Executive Council would not dare to propose.”) Admitting that there might be some subjects requiring discussion in the Provinces, but which the colonists were not prepared to adopt, surely an Executive Councillor could be got, even if he were opposed to the views of ministers, to submit the measure and explain those views to the popular branch; or might there not be “open questions” in the colonies as at home?

The conclusion at which my mind arrives then, after the best attention that I can give to this branch of the subject, is that if the duties and responsibilities of government are fairly and judiciously divided between the imperial and colonial authorities, no such case as that assumed by your Lordship can occur; and if it should, surely the good sense of all parties concerned may safely be trusted to avoid any violent or unpleasant collision. But did it never occur to your Lordship to inquire whether the very evil anticipated as an insuperable objection to the new system does not disfigure and annually occur under the old? What else were the Executive Councillors in Upper and Lower Canada doing for a series of years but “proposing certain measures” to be as certainly rejected by the popular branch? What else are they about now in Newfoundland? What but this were they doing in New Brunswick down to the close of Sir Archibald Campbell's administration? In all these

Provinces a state of constant collision between the Executive and the popular branch, which could by no possibility arise under the system I contemplate, would answer the objection, even if the difficulty suggested could be fairly taken into account. If it be said that the Councillors now do not refuse to propose measures, I answer, But if the Legislatures invariably reject them, does government gain anything or is public business advanced by the system? What a figure did the Executive cut in Nova Scotia in 1838 when the Councillor who brought down from the Governor a grave proposition led the opposition against it? And how stand things in this Province now? Are not all the Councillors selections from a lean minority of the Commons, in which body almost every debate terminates in a vote of implied want of confidence in them; and where the Governor they surround has on several occasions only been saved from an insulting vote of censure by the good temper and moderation of the majority? This is a state of things too ridiculous to be long continued. To me it seems essential that Her Majesty, in every colony, should be represented by an Executive not only willing "to attempt" but "able to carry" any measures that it may be necessary to propose.

The next objection taken by your Lordship to the introduction of Provincial responsibility, one eminently calculated to have weight with the body you addressed and to alarm the timid everywhere, was drawn from an application of the principle to the management of foreign affairs. "If," says your Lordship, "the Assembly of New Brunswick had been disposed to carry the point in dispute with the North American States hostilely and the Executive Council had been disposed to aid them, in my opinion the Governor must have said that his duty to the Crown of this country and the general instructions which he had received from the minister of the Crown, did not permit him to take that course, and therefore he could not agree with the Executive Council to carry into effect the wish of the Assembly. That is allowed. Does not then its very exception destroy the analogy you wish to draw when upon so important a point as that of foreign affairs it cannot be sustained?" Your Lordship in delivering this passage, of course was not aware that without the alteration of a single syllable you answered the very objection that yourself had raised. If the Executive Council of New Brunswick advised Sir John Harvey to declare war upon the State of Maine, "he must have said that his duty to the Crown and his instructions did not permit him to take that course." Most certainly he would, if a measure so ridiculous had been attempted in New Brunswick, which nobody who knows anything of that Province could for a moment imagine. I do not believe that there are ten men in it—certainly there are not fifty in all the lower Provinces put together—who do not know that the Sovereign alone has the right to declare war upon foreign powers; and who are not willing that upon all the relations of the colonies with these and with each other, the Imperial Government shall decide. A few of the New Brunswickers blamed Sir John Harvey for not acting upon Her Majesty's instructions, to maintain exclusive jurisdiction over the disputed territory, not-

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withstanding the advice received from the Minister at Washington ; but if those instructions had not existed and had not been positive, no one would have been idiot enough to suppose that Sir John Harvey would have been bound to make war, on a point of honour or policy newly discovered by his Executive Council and upon which Her Majesty's Government had had no opportunity to decide. Suppose when Parliament was granting a charter to Hull, it was objected that the Mayor might be advised to make war upon Sweden (and in the case of an elective officer, the danger would be greater than if he were appointed by the Crown), would not the same House of Commons that thought it unsafe to let a colony manage its internal affairs for fear it would engage in foreign wars, laugh at the possibility of such an absurdity being committed by any body of Englishmen out of Bedlam ? Why then should it be taken for granted that we are not English in our habits and opinions, our education and training, our capacity to discern the boundaries of authority, and that therefore it would be unsafe to depend upon our wisely exercising powers which in the British Islands millions exercise for their own security and without danger to the state ? In the case of Hull, if the objection were gravely urged, the ready answer would be, "No greater powers can be exercised than are granted in the bill, and if there is the least danger of the city authorities doing anything so ridiculous, put in a clause that shall restrain them." And I say—after soberly protesting that the very suspicion of such an attempt is an insult to the understanding and an imputation upon the character of our population, which they do not deserve—that if you wish "to make assurance doubly sure," put a clause into the bill which concedes the principle of responsibility so far as relates to domestic affairs and by which all such belligerent councillors shall be expressly restrained.

Whether this point were or were not thus defined, that any Executive Council, merely because they were responsible to the people, would, after receiving such an answer as your Lordship admits a British Government must give, proceed in defiance of his authority to levy war upon a friendly state, I cannot for a moment believe. If they did, they certainly would so completely fail and render themselves so supremely ridiculous that the attempt would not be likely to be repeated, at least for a century to come. Let us suppose the case to have occurred in New Brunswick : that the Executive Council, being responsible, had advised Sir John Harvey to proceed hostilely, and that on his declining they had levied war. In the first place, as all the regular troops were at Sir John's disposal, as commander-in-chief within the Province and not merely as civil Governor, they not only could not have moved a soldier, but would have had the whole military force of that and the adjoining Provinces against them. As the Governor's order to the colonels and officers commanding the militia is indispensable before a single step can be taken, under the laws by which that force is embodied, of course no hostile order would have been given, nor could those laws have been modified or changed without Sir John's assent. And if it be urged that volunteers would have flocked to the aid of

the Executive Council, may I not inquire where they would have obtained arms and ammunition, when all the military munitions and stores were deposited in military warehouses, under the care of commissaries and officers of ordnance responsible only to the Crown. Oh no, my Lord, whatever effect such imaginary cases as these may have upon men at a distance, unacquainted with the state of society in British America and the general intelligence which prevails, here they are laughed at as the creation of a fertile imagination taxed to combat political improvements that were feared without being understood. If, even under the federative government of the United States, in which each state is much more independent of the central authority than any colony would be under the system I contemplate, this right of private war has only been once asserted by a single state, in more than half a century, and then was scouted all over the continent, is it to be supposed that British subjects will pay less respect to the authority of their Queen than do Republican Americans to that of their President.

There is one bare possibility, which your Lordship has not suggested, in opposition to the new system, and yet it is scarcely more ridiculous than some that have been urged: that the colonial councillors might claim the control of the squadron upon the North American coast, as well as of the land forces, in their anxiety to engage in foreign wars. The danger in this case would be nearly as great as in the other; for in modern warfare a fleet is nearly as necessary as an army; and yet it is certain that the admiral upon the station would know how to treat such a claim, should it be preferred by a Council, who in the wanton exercise of authority were disposed to transgress all bounds?

The next objection which I am bound to notice is thus given in the report:—"Let us suppose that an officer of the militia in Upper Canada, after an action, was to order that the persons taken in that action should be put to death on the field. I can conceive it possible, in a state of exasperation and conflict with the people of the neighbouring states, that the Assembly might applaud that conduct, and might require that it should be the rule and not the exception,—that all invaders of their territory should be treated in that manner and that the parties should be put to death without trial. Supposing that to be the case, could the Government of this country adopt such a rule? Could the Secretary of State for the Colonies sanction such a rule, and not decide as my honourable friend the under-secretary has done, that the practice would meet with his decided reprehension?"

Now, my Lord, admitting that such a case might occur once in half a century under the new system, let me remind your Lordship that it has already occurred under the old. If it is to have any weight, the fact of its occurrence in a Province in which the Executive Council is irresponsible and the Colonial Secretary is in the exercise of his full powers, makes in favour of my argument; while I have a right to deny, until proof is furnished, that it could occur if matters were more wisely ordered and a more rational system estab-

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lished by which all temptations to foreigners to make inroads into British Provinces, speculating upon the disaffection of the people, would be removed. But, my Lord, life has been taken under your system—"death" has been inflicted "without trial," illegally, as you infer—and has any punishment followed? Have the laws been vindicated? No!—Then why not? Simply, I presume, because your beautiful mode of government has produced such a state of things in a British Province, that the ministers of the Queen dare not bring the man charged with this high offence to trial. Under a system of responsibility, by which the population were left to manage their domestic affairs, I hold that no such violation of law would be likely to occur; and that if it did, investigation would be as safe and punishment as certain, as though a crime had been committed in Middlesex or Surrey.

I have thus disposed, my Lord, of the military questions; and, as I have left Her Majesty and her representatives in full command of the army and navy and of the militia force of British America, and have asserted no claim of the colonists to interfere with foreign treaties and diplomatic arrangements affecting the empire at large; I think if peace be not maintained with foreign states, the punishment for offences strictly military be not awarded, the blame will not rest with the Executive Councillors, who are to exercise no jurisdiction over these matters, and cannot be responsible if others fail in their duty.

Let me now turn to another class of objections, arising out of our colonial and foreign trade. "Again," says your Lordship, "neither could this analogy be maintained with regard to trade between Canada and the mother country or Canada and any other country. How then can you adopt a principle to which such large exceptions are to be made? If you were to do so, you would be continually on the borders of dispute and conflict; the Assembly and the Executive, on the one hand, requiring a certain course to be pursued, while the Governor, on the other hand, would be as constantly declaring that it was a course he could not adopt; so that instead of furnishing matter of content and harmony in these Provinces, you would be affording new matter for dispute and discontent if you were to act upon this supposed analogy." Now, my Lord, I feel it my duty to state, that you may take from any part you please to select, of England, Ireland, or Scotland, two hundred thousand persons, and among them you will not find a larger number than are to be found in Nova Scotia well informed as to the degree of authority in matters of trade, which for the good of the whole empire and the preservation of the advantages in which all are to participate, it is necessary to confide to the care of the Sovereign and the wisdom of the Imperial Parliament. The great corporations of London, of Bristol, and of Liverpool do not presume to interfere with these, except by petition and remonstrance; neither do we. Each of these cities has the right to levy small duties within their own limits, for matters of internal regulation or to aid public improvements; and these rights they exercise, in common with us, when they do not contravene any British statute necessary for the protection of the trade of the empire. But, if it can be shown

that a law bears unequally upon London or Halifax, and that a flagrant case of hardship exists; or if the industry of any portion of the people either in England or the colonies is taxed, while no corresponding advantage is reaped by any other portion; or that, if reaped, it is an unfair and illegitimate advantage,—an appeal is made to Parliament. We have hitherto been contented, although not directly represented in that Assembly, to abide the result of that appeal; or to pass bills, taking our chance of their being assented to in England. The same thing would occur, even if the Executive Council was responsible; for, upon this point, there is no part of our population prepared to set up absurd or irrational claims. If Parliament should undertake to legislate directly against our interests; to cut up our commerce and prevent the growth of domestic industry; and after fair notice and ample proof of injury, were to persist in such a course; why then a state of things would arise which similar policy produced elsewhere in other times, and upon the results of which either responsible or irresponsible Councils could exercise but little influence. But as political economists at home are every day becoming convinced that the more liberty they afford to the colonist to conduct his commercial operations the greater will be his demand for British manufactures; and as under the guidance of this enlightened policy, the laws of trade and navigation are annually becoming less restrictive, it is not probable that difficulties which were never insuperable will all of a sudden admit of no rational remedy; or that the boundaries of colonial and imperial authority, now so well understood and the recognition of which is so easily enforced, will often be called in question on either side. If the colonists assert rights which do not belong to them, and persist in their contumacy, disturbing solemn treaties and setting Acts of Parliament at naught, why then they have broken the social compact, it is a case of rebellion and they must be put down.

Let us reduce the difficulty to practice, for the purpose of illustration. Suppose that both branches of the Legislature pass a law by which a heavy duty is laid upon British broadcloths and those from the United States are admitted duty free; and that the Executive Council, being responsible, advise the Lieutenant-Governor to assent to it. Such an absurd piece of bad faith as this could never be attempted in the lower Provinces; for public opinion would never sanction any interference with the general laws not intended to remedy abuses, or that struck at colonial without promoting British prosperity; nor would any changes be popular which violated the fraternal comity by which British subjects everywhere are bound to encourage and protect each other. But I have supposed the law passed and presented. The Governor would say in this case, as he now invariably says—as your Lordship admits he must say, if urged to provoke a foreign war: “Gentlemen, you are exceeding your powers. To legislate for your own advantage is one thing; to legislate directly against your brethren at home, for the advantage of foreigners, is another. This bill must be either modified or rejected, or reserved for Her Majesty’s assent before it can go into operation.” If the parties urging it persisted, a dissolution

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might be tried, and an appeal to British subjects, in a case where the Governor was clearly right and his advisers wrong, would never be made in vain ; particularly when aided by the constitutional opposition, which under a system of responsibility and manly competition, would exist in every colony. But if it failed ; if such an almost impossible thing were upon the cards as that a majority could be found in Nova Scotia to sustain such an act or anything bearing a resemblance to it, then a case would have occurred for the interference of the imperial authorities, who should say to us frankly : " If you will come into unnatural and hostile collision, the weakest has the most to fear."

Had your Lordship been as familiar with the mode of dealing with such subjects as most colonists are who have watched the proceedings of colonial Assemblies, you would have been satisfied that no danger was to be apprehended from violent collisions about matters of trade. When a new duty is proposed in Nova Scotia or a reduction suggested, the first question asked on all sides is, Will the proposition violate the letter or does it even run counter to the spirit of the imperial Acts ? If it does, in eight cases out of ten, the person bringing the measure forward drops it on being assured of the fact. In the ninth case, where a doubt exists as to the policy and wisdom of imperial legislation, it is found on inquiry that the clause which seemed to press upon us originated in a wide view over the whole field of commerce, which British statesmen, often better than others whose positions afford fewer advantages, are enabled to take and that its repeal would inflict an injury and not confer a benefit. The tenth case is perhaps one in which the Imperial Parliament, either from haste or prejudice or insufficient information, has committed an error in political economy or inflicted a wound upon colonial without benefiting British industry. In this case (and they only occur once in a great while) no one ever dreams that, as your Lordship expresses it, the Imperial Legislature is to be " overruled " by that of the colony. We never doubt but that an appeal to the good sense and justice of our brethren over the water will be successful. A bill is passed, perhaps, to meet the difficulty ; and an explanation of the facts and reasoning in which it originated is sent with it in the form of an Address to the Throne, and in most cases is found to be successful.

This is the mode at present. What reason is there to suppose that it would be much changed if we had an Executive Council whose powers and responsibilities did not extend to matters of general commerce, already provided for by imperial legislation ? If we are so fond of violent conflicts and factious opposition, what hinders us from indulging our propensities now ? Shall we be less considerate the more kindly we are treated ? Shall we have less respect for imperial legislation, when we see that it leaves us the entire management of our domestic affairs and only deals with those great interests which transcend our authority and are beyond our control ? Suppose twelve Nova Scotians, who are not responsible to any authority under Heaven, are made accountable to the rest of their countrymen, shall we have a man the

more for forcible resistance than we have now—or a gun, a pike, a bomb or a barrel of powder?

I have thus, my Lord, gone over the arguments urged by your Lordship in the speech of the 3rd June. I have omitted none that appear to me to have the slightest bearing upon the great question at issue and I trust I have given to each a fair and satisfactory answer. I have written not only under a solemn sense of duty, but with a full assurance that sophistry, woven around this question, either on one side of the Atlantic or the other, would be torn to shreds in the conflict of acute and vigorous minds now engaged in its discussion. Had your Lordship, in announcing the decision of the Cabinet, forborne to state the reasons upon which that decision was founded, I might like counsel at the bar under similar circumstances, have felt myself compelled to acquiesce in a judgment, neither the justice nor the policy of which I could fathom. But when the arguments were stated and when I saw a question involving the peace and security of six extensive Provinces and the freedom and happiness of a million and a half of British subjects, disposed of by a mode of reasoning which I knew to be deceptive and unsound,—when I saw, in fact, that the parties claiming their rights were to be turned out of court, with all the arguments and all the evidence upon their side, I felt that to remain silent would be to deserve the social and political degradation which this unjust decision was to entail on my countrymen and myself; to earn the helot mark of exclusion from the blessings of that constitutional freedom which our forefathers struggled to bequeath and which we should never cease to demand, as a patrimony that runs with our blood and cannot be rightfully severed from our name.

IV

MY LORD,—The business of factious demagogues of all parties is to find fault with everything, to propose nothing practical, to oppose whatever is suggested, to misrepresent and to defame. The object of honest and rational politicians ought to be to understand each other—to deal frankly, abhorring concealment, that mistakes may not be made about facts, terms or intentions; to deal fairly, giving credit for a desire to elicit truth and a wish to weigh in a just balance both sides of every question. Having put before you such evidence as I hope will lead your Lordship's mind to the conclusion that the system by which the North American colonies are at present governed must be abandoned, it is not improbable that your Lordship may inquire what it is that we are desirous to substitute for that system? The demand is a reasonable one. The party who seek this change are bound to prove that they have a safe and intelligible remedy for the evils of which they complain. If I cannot show to your Lordship that, without endangering the authority of the mother country over her Provinces, weakening the constitutional powers of the Crown or trenching on the high privileges and wide range of duty assigned to

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the Imperial Parliament, a better form of government than that which I am anxious to overturn—one more nearly conforming to the practice and spirit of the Constitution, as understood at home—to the wants and peculiar situation of these colonies, and less repugnant to the feelings and prejudices of Englishmen everywhere—can be established, then I must quit the field of argument and cannot complain if your Lordship adheres to your own opinions.

THE QUEEN AND PARLIAMENT

From what has been already written, it will be seen that I leave to the Sovereign and to the Imperial Parliament the uncontrolled authority over the military and naval force distributed over the colonies; that I carefully abstain from trenching upon their right to bind the whole empire by treaties and other diplomatic arrangements with foreign states; or to regulate the trade of the colonies with the mother country and with each other. I yield to them also the same right of interference which they now exercise over colonies and over English incorporated towns; whenever a desperate case of factious usage of the powers confided, or some reason of state, affecting the preservation of peace and order, call for that interference. As the necessity of the case, the degree and nature of this interference, would always be fully discussed by all parties concerned, I am not afraid of these great powers being often abused, particularly as the temptations to use them would be much lessened if the internal administration were improved.

THE COLONIAL OFFICE

The Colonial Secretary's duties should be narrowed to a watchful supervision over each colony to see that the authority of the Crown was not impaired and that Acts of Parliament and public treaties were honestly and firmly carried out; but he should have no right to appoint more than two or three officers in each Province and none to intermeddle in any internal affair, so long as the Colonial Government was conducted without conflict with the Imperial Government and did not exceed the scope of its authority. This would give him enough to do, without heaping upon him duties so burdensome and various that they cannot be discharged with honour by any man, however able; nor with justice or safety to the millions whose interests they affect. His responsibility should be limited to the extent of his powers; and as these would be familiar to every Englishman, exposure and punishment would not be difficult, in case of ignorance, incapacity or neglect.

THE GOVERNOR

I have shown in the illustration drawn from the city of Liverpool, that most Governors come out to colonies so ignorant of their geography and topography, climate, productions, commerce, resources and wants, and above all, of the

parties, passions and prejudices which divide them, and of the character, talents and claims of the men by whom the population are influenced and led, that for the first six or twelve months they are like overgrown boys at school. It is equally clear, that while the business of government must move on and the administration commence from the day on which the new Governor arrives, the schoolmasters, from whom all his facts are derived—from whom he gathers his views of internal affairs and his impressions, not only of different parties, but of individuals of each party,—are the irresponsible Executive Councillors, whom the present system calls around him, and who, possessed of such advantages, rarely fail, before he can by any possibility escape from their toils, to embroil him with the popular branch of the Legislature and the mass of the people by whom it is sustained.

Now let us suppose, that when a Governor arrives in Nova Scotia, he finds himself surrounded, not by this irresponsible Council, who represent nothing except the whims of his predecessors and the interests of a few families (so small in point of numbers, that but for the influence which office and the distribution of patronage give them, their relative weight in the country would be ridiculously diminutive),—but by men who say to him: “May it please your Excellency, there was a general election in this Province last month or last year, or the year before last, and an administration was formed upon the results of that election. We, who compose the Council, have ever since been steadily sustained by a majority of the Commons and have reason to believe that our conduct and policy have been satisfactory to the country at large.” A Governor thus addressed would feel that at all events he was surrounded by those who represented a majority of the population, who possessed the confidence of an immense body of the electors, and who had been selected by the people who had the deepest interest in his success, to give him advice and conduct the administration. If he had doubts on this point—if he had reason to believe that any factious combination had obtained office improperly and wished to take the opinions of the country; or if the Executive Council sought to drive him into measures not sanctioned by the charter, or exhibited a degree of grasping selfishness which was offensive and injurious, he could at once dissolve the Assembly and appeal to the people: who here, as in England, would relieve him from doubt and difficulty, and, fighting out the battle on the hustings, rebuke the councillors if they were wrong. This would be a most important point gained in favour of the Governor; for now he is the slave of an irresponsible Council which he cannot shake off; and is bound to act by the advice of men who, not being accountable for the advice they give and having often much to gain and nothing to lose by giving bad advice, may get him into scrapes every month, and lay the blame on him. The Governors would in fact have the power of freeing themselves from thralldom to the family compacts, which none of them can now escape by the exercise of any safe expedient known to our existing constitutions. It will be seen, too, that by this system, whatever sections or small parties might think or say, the

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Governor could never, by any possibility, become what British Governors have of late been everywhere, embroiled with the great body of the inhabitants over whom he was sent to preside. The Governor's responsibility would also be narrowed to the care of the Queen's prerogative, the conservation of treaties, the military defence, and the execution of the imperial Acts; the local administration being left in the hands of those who understood it and who were responsible. His position would then be analogous to that of the Sovereign—he could do no wrong in any matter of which the Colonial Legislature had the right to judge; but would be accountable to the Crown, if he betrayed the imperial interests committed to his care.

THE EXECUTIVE COUNCIL

Executive Councillors now are either heads of departments or members of the two branches who are generally favourable to the policy of these and disposed to leave their emoluments intact. One or two persons, of more independent character, and slightly differing from the others upon a few points, are sometimes admitted; but a vast preponderance in favour of the views of the official compact is always, as a matter of course, maintained. The heads of departments are always very well paid for their trouble in governing the country by the enormous official salaries they receive; their colleagues either are looking for office, or have means of providing for their relatives and friends; while if it should so happen, that such a thing as a colonial Executive Councillor can be found for any length of time in office, who has not served himself or his friends, the title and the consciousness of possessing for life the right to approach and advise every Governor and give a vote upon every important act of administration, without a possibility of being displaced or called to account for anything said or done, is no mean reward for the small amount of labour and time bestowed. Formerly these people, in addition to other benefits, obtained for themselves and their friends immense tracts of Crown land. This resource is now cut off by the substitution of sales for free grants; but looking at the Executive Council or Cabinet, as it exists in any of the North American Provinces at present, we find a small knot of individuals, responsible neither to the Queen, the Secretary of State, the Governor nor the people; who owe their seats to neither, but to their relatives and friends through whose influence and intrigues they have been appointed; and who, while they possess among them some of the best salaries and nearly all the patronage of the country, have a common interest in promoting extravagance, resisting economy, and keeping up the system exactly as it stands. It will be perceived that such a body as this may continue to govern a colony for centuries; like the Old Man of the Sea, who got upon Sinbad's back, ordinary exertions cannot shake it off. To understand more clearly how un-English, how anti-constitutional, how dangerous this body is, it is only necessary to contrast it with what it ought to resemble, but never does. In England,

the government of the country is invariably carried on by some great *political* party, pledged to certain principles of foreign or domestic policy which the people for the time approve; but the Cabinet in a colony is an *official* party who have the power for ever to keep themselves and their friends in office and to keep all others out, even though nineteen out of every twenty of the population are against them. What would the people of England say, if some twenty families, being in possession of the Treasury, Horse Guards, Admiralty, Colonial Office, had the power to exclude Whigs, Tories and Radicals; to laugh at hostile votes in the Commons, and set the country at defiance; to defend each other against the Crown and the people; to cover ignorance, incapacity, corruption and bad faith? Would they bear such a state of things for a week? And yet your Lordship seems to think that we should bear it, for an indefinite period, with patience.

Now for this body I propose to substitute one sustained by at least a majority of the electors; whose general principles are known and approved; whom the Governor may dismiss, whenever they exceed their powers; and who may be discharged by the people whenever they abuse them; who, instead of laying the blame, when attacked, upon the Governor, or the Secretary of State, shall be bound, as in England, to stand up and defend, against all comers, every appointment made and every act done under their administration. One of the first results of this change would be to infuse into every department of administration a sense of accountability which now is nowhere found—to give a vigorous action to every vein and artery now exhibiting torpidity and languor—and to place around the Governor and at the head of every department of public affairs the ablest men the colony could furnish; men of energy and talent instead of the brainless sumphs, to whom the task of counselling the Governor or administering the affairs of an extensive department, is often committed under the present system. In England, whether Whigs, Tories or Radicals are in, the Queen is surrounded and the public departments managed, by some of the ablest men the kingdom can produce. But suppose a mere official faction could exclude all these great parties from power, how long would the Government possess the advantage of superior abilities to guide it? Would it not at once fall far below the intellectual range it now invariably maintains?

But it may be asked, Would not the sudden introduction of this system work injustice to some who have taken offices in the expectation of holding them for life? Perhaps it might, but even if this were unavoidable, the interests of individuals should give way to the public good. The borough-mongers had the same objections to the Reform Act; recorders and town-clerks to that which cleansed the corporations. This, like all minor difficulties, might easily be provided for; and I am sure that there are but few of those seeking to establish responsible government who desire to overturn even a bad system in a spirit of heartless vindictiveness.

The colonies, having no hereditary peerage, this body has been constructed to take its place. From the difficulty of making it harmonize with the popular branch, some politicians in Lower Canada—and it was said that the Earl of Durham at first inclined to the opinion—thought it might be abolished. I think there is no necessity for this; first, because it would destroy the close resemblance which it is desirable to maintain between our institutions and those of the mother country; and again, because a second legislative chamber, not entirely dependent upon popular favour, is useful to review measures and check undue haste or corruption in the popular branch. Besides, I see no difficulty in maintaining its independence, and yet removing from it the character of annual conflict with the representative body, by which it has been everywhere distinguished.

The main object of the Executive Council being the preservation of a system by which they enjoy honours, office and patronage, uncontrolled and uninfluenced by the people, and they having the nomination of Legislative Councillors, of course they have always selected a majority of those whose interests and opinions were their own and who could help them to wrestle with and fight off the popular branch. Hence the constant collision and the general outcry against the second chamber. The simple remedy for all this appears to be to introduce the English practice: let the people be consulted in the formation of the Executive Council; and then the appointments to the Legislative will be more in accordance with public sentiment and the general interest, than they are now. I should have no objection to the Legislative Councillors holding their seats for life, by which their independence of the Executive and of the people would be secured, provided they were chosen fairly by those to whom, from time to time, the constituency, as at home, entrusted the privilege; and not as they are now selected, to serve a particular purpose and expressly to wrangle rather than to harmonize with the popular branch. The House of Lords includes men selected by all the administrations which the people of Britain have called into power. The House of Lords, in the colonies, have been created by all the administrations which the people never could influence or control.

Some members of the second branch should, of course, have seats in the Executive Council, because in that chamber also, the acts and the policy of the Government would require to be explained; but here, as in England, though very desirable, it would not be essential that the administration should always be sustained by a majority in the Upper House.

One of the first effects of a change of system would be a decided improvement in the character of all the Colonial Assemblies. The great centre of

political power and influence would in the Provinces, as at home, be the House of Commons. Towards that body the able, the industrious, the eloquent and the wealthy, would press with ten times the ardour and unanimity which are now evinced; because then, like its great prototype in Britain, it would be an open and fair arena, in which the choice spirits of the country would battle for a share in its administration, a participation in its expenditure and in the honour and influence which public employment confers. Now a bon vivant, who can entertain an aide-de-camp; a good-looking fellow, who dances with a Governor's lady; or a cunning one, who can wheedle a clerk or an under-secretary in Downing Street, may be called to take a part in governing a province for the period of his natural life. Then, these disreputable and obscure channels of advancement would be closed; and the country would understand the reason, and feel the necessity for every such appointment, and the population would be driven to cultivate those qualities which dignify and adorn our nature, rather than debase it. Now, any wily knave or subservient fool feels that his chance is as good as that of the most able and upright man in the colony; and far better, if the latter attempts to pursue an independent course; then, such people would be brought to their proper level, and made to win their honours fairly before they were worn.

Another improvement would be the placing of the government of a colony, as it always is in England, in a majority in the Commons, watched, controlled, and yet aided by a constitutional opposition. Under the present system, the *government* of a colony is the *opposition* of the Commons and often presents in that body the most unseemly and ridiculous figure. Numberless instances might be given of this. The three Executive Councillors who sit in the Assembly of Nova Scotia, have been resisting, in miserable minorities, on a dozen divisions during the last two sessions, votes by which the Commons recorded a want of confidence in them and their party; and, in fact, the Government, instead of taking the lead in public measures with the energy and ability which should belong to a government, cannot take a single step in the Assembly without the sanction of its opponents. Every emergency that arises and for which an administration ought to be secure of a majority, presents some absurd illustration of the system. When the border difficulties with the State of Maine occurred last winter, the Government of Nova Scotia had not the power to move a single man of the militia force (the laws having expired) or to vote a single shilling, until the majority came forward, as they always have done, in the most honourable manner, and, casting aside all political differences, passed laws for embodying the militia and granted £100,000 to carry on the war. But will your Lordship believe, will it be credited in England, that those who voted that money, who were responsible to their constituents for its expenditure and without whose consent (for they formed two-thirds of the Commons) a shilling could not have been drawn, had not a single man in the local cabinet by whom it was to be spent, and by whom in that trying emergency the Governor would be advised. Nor are

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things better when the Legislature is not in session. In consequence of the establishment of steam navigation, a despatch was sent out this spring, after the House was prorogued, requiring the Governor of this Province to put the main roads in thorough repair. Of course he had no means to accomplish the object, nor could his Executive Council guarantee that a single shilling thus expended would be replaced or that a vote of censure would not be passed upon him if he spent one; and to obviate the difficulty, they were seen consulting and endeavouring to propitiate the members of the majority, whose places, upon such terms, they are contented to occupy and to which, so far as I am concerned, if such humiliations are to be the penalty, they are heartily welcome.

It has been objected to the mode proposed, that it would lead to the rotation of office or extensive dismissals of subordinates, practised in the United States. But no person abhors that system more than myself, nor has it found any favour in the colonies, where the English practice is preferred, of removing the heads of departments only. To those who are afraid of the turmoil and excitement that would be produced, it is only necessary to say that if upon the large scale on which the principle is applied at home, there is no great inconvenience felt, how much less have we to fear where the population is not so dense, the competition not so active, nor the prizes so gigantic. A ministry that in England lasts two or three years is supposed to fulfil its mission; and a quadrennial bill is considered unnecessary, because Parliament, on the average, seldom sits longer than three or four years. As, under a system of responsibility, the contest for power would be fought out here as it is in England, chiefly on the hustings; an administration would, therefore, last in Nova Scotia until the Quadrennial Bill was passed, for six years certainly—two years more than the Governor, unless specially continued, is expected to hold his appointment; and if it managed judiciously, there would be nothing to prevent it from holding the reins for twenty or thirty years. Of course, an Executive Council in the colonies should not be expected to resign upon every incidental and unimportant question connected with the details of government; but, whenever a fair and decisive vote, by which it was evident that they had lost the confidence of the country, was registered against them, they should either change their policy, strengthen their hands by an accession of popular talents and principles, or abandon their seats and assume the duties and responsibilities of opposition. If there was any doubt as to what the nature of such votes should be, the parliamentary usage would be the guide on this as on all minor matters.

APPOINTMENTS, INTERNAL IMPROVEMENTS, ETC.

One of the greatest evils of the present form of government is that nothing like system or responsibility can be carried into any one branch of the public service. There are, exclusive of militia and road commissions, nearly nine

hundred offices to be filled, in the Province of Nova Scotia alone ; all essential to the administration of internal affairs, not one of them having anything to do with imperial interests. And will it be believed in England that the whole of this patronage is in the hands of a body whom the people can never displace—that the vast majority in the Commons have not the slightest influence in its distribution—while the greatest idiot who gives his silent and subservient vote in the minority is certain of obtaining his reward? But the evil does not stop here. It is utterly impossible for the people either to bring to punishment or to get rid of a single man of the whole nine hundred if the local government chooses to protect him.

Perhaps the most cruel injury that the system inflicts upon the colonists, arises from the manner in which they are compelled to conduct their internal improvements. This has been noticed by Lord Durham. But perhaps his Lordship did not fully comprehend the reasons which render the mode—however anomalous and injurious—in some degree acceptable to the constituency, in order that other evils may be prevented, which might be a great deal worse. It will be perceived that the nine hundred offices already referred to, are generally distributed by the irresponsible official party in such a way as to buy their peace or strengthen their influence in the country. Let us see how this operates in practice. Suppose a county sends to the Assembly four representatives, all of whom support the local government ; the patronage of that county is of course at their disposal to strengthen their hands and keep down all opposition ; but should the whole be hostile to the compact, then it is used to foster opposition and create a party to displace them. If there is a division of sentiment among the members, those who support are always aided in mortifying and getting rid of those who attack the Government. Though but one of the four is an adherent of the compact, every man in the county knows that his influence is worth much more than that of the other three ; that while one can obtain any favour he wants for a friend or partisan, the others cannot, unless by the barter of a corrupt vote or the sacrifice of principle, even obtain justice. Now, if besides these nine hundred offices, about five hundred commissions for the expenditure of the surplus revenues of the country upon roads, bridges and internal improvements, were given over to be disposed of in the same way, the hands of the compact would be so much strengthened that it would be still more easy to create a party in a county, to endanger the seat of any member who ventured to give an independent vote. To obviate this risk, which was seen at an early period to menace the independence of the Commons, it was determined that the members from each county should recommend the commissioners for the expenditure of moneys within it ; and this being acquiesced in by the Governors for some time before its political bearing was much regarded by the compacts, has grown into usage which they have not ventured openly to attack ; although, as they still contend that the right of appointment is in the Executive, they seldom fail to show their power and vent their feelings, by petty alterations almost every year.

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The advantages of this arrangement are that the majority of this constituency—and not the minority, as in every other case—distribute the patronage under this branch of expenditure; and, as the members who name commissioners have a great deal of local knowledge, and are, moreover, responsible to the people, they can be called to account if they abuse this trust. But still, from the very nature of things, it is liable to abuse. Road commissions may be multiplied and sums unwisely expended to secure votes at the next election, or to reward, not a good road maker but a zealous partisan. The Executive has not the control it would have if these men were selected by the Government; and the legislative power, which should be used to unmask corruption, is sometimes abused to afford it shelter. The remedy which our compacts always suggest, like all their remedies for political discrepancies, aims at the extension of their own influence and the firmer establishment of their own power. They are loud, upon all occasions, in denouncing the corruption of the road system. The minority in the Assembly are eloquent on the same theme; while, through the columns of some newspaper in their pay, they are always pouring forth complaints that the roads are wretchedly bad and will never be better until the expenditure is placed in their hands. It will be perceived, however, that to follow their advice, would be to make what is admitted on all hands to have its evils a great deal worse; because, if these nominations are taken from those who possess local information, and given to men who have little or none, who will not be advised by those who have, and who can be called to account by no power known to the constitution;—besides a great deal more of blundering being the result, the partial responsibility, which now makes the system barely tolerable, would be entirely removed. Political partisans would still be rewarded; but instead of all parties in the country sharing the patronage (for members of the minority, as well as of the majority, make these appointments), it would be confined to those only who supported the compact, and who, however imbecile, ignorant or corrupt, would then be, as every other officer in the colony is now, independent of any description of popular control. If any doubt could be entertained as to whether the public would lose or gain by the change, evidence enough might be gathered; for some of the vilest jobs and most flagrant cases of mismanagement that disgrace the history of the road service in Nova Scotia, have been left as monuments of the ignorance or folly of the compact, whenever they have taken these matters into their own hands.

But make the Governor's advisers responsible to the Assembly and the representatives would at once resign to them the management of such affairs. It would then be the business of the Executive, instead of leaving the road service to the extemporaneous zeal or corrupt management of individuals, to come prepared, at the commencement of each session, with a general review of the whole system; and supported by its majority, to suggest and to carry a comprehensive and intelligible scheme, embracing the whole of this service, accounting for the previous year's expenditure and appointments, and accepting

the suggestions of members as to the plans of the current year. We should then have an Executive to which every commissioner would be directly accountable; to which he could apply for instructions from January to December; and which, being itself responsible, would be careful of its proceedings; and yet, being more independent than individual members are in dealing with their own constituents, would be more firm and unyielding where it was right. This is the simple and I am satisfied the only safe remedy for the abuses of the road system. To take the distribution of commissions from fifty men, possessed of much local knowledge and partially responsible, to give it to twelve others having less information and subject to no control, would be an act of madness. Fortunately, in this, as in all other cases, we have no occasion to seek for new theories or try unsafe experiments; let us adopt the good old practices of our ancestors and of our brethren; let us "keep the old paths," in which, while there is much facility, there is no danger.

My Lord, there is an argument used against the introduction of Executive responsibility, by Sir Francis Head, which it may be well to notice, because it has been caught up by shallow thinkers everywhere, and is often urged with an air of triumph, that to those who look beyond the surface, is somewhat ridiculous. It is said, if this principle had been in operation, Papineau and Mackenzie would have been ministers in the respective Provinces they disturbed! But do those who urge this objection ever stay to inquire whether, if there had been responsibility in the Canadas, either of these men could have assumed so much consequence as to be able to obstruct the operations of government and create a rebellion in a British Province? Nothing made a dictator tolerable in ancient Rome but a sense of common danger, arising out of some unusual and disastrous posture of affairs, which rendered it necessary to confide to an individual extraordinary powers—to raise one man far above all others of his own rank—to substitute his will for the ordinary routine of administration and to make the words of his mouth the law of the land. When the danger passed away, the dictator passed away with it. Power, no longer combined in one mighty stream, the eccentric violence of which though useful might be destructive, was distributed over the surface of society and flowed again through a thousand small but well-established channels, everywhere stimulating and refreshing but nowhere exciting alarm. In political warfare, this practice of the ancients has been followed by the moderns with good success. O'Connell in Ireland, and Papineau and Mackenzie in Canada, grew into importance from the apparent necessity which existed for large masses of men to bestow upon individuals unlimited confidence and invest them with extraordinary powers. I wish that the two latter, instead of provoking the maddest rebellions on record, had possessed the sound sense and consummate prudence which have marked every important step of the former's extraordinary career. But who believes, if Ireland had had "justice" instead of having it to seek, that ever such a political phenomenon as the great agitator would have appeared to challenge our admiration and smite the oppressors with dismay?

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And who dreams that but for the wretched system upheld in all the colonies, and the entire absence of responsibility, by which faction or intrigue were made the only roads to power, either of the Canadian demagogues would ever have had an inducement or been placed in a position to disturb the public peace? I grant that even under the forms which I recommend, such men as Papineau and Mackenzie might have existed; that they might have become conspicuous and influential; and that it is by no means improbable that they would have been Executive Councillors of their respective Provinces, advising the Governors and presiding over the administration of their internal affairs. But suppose they had; would not even this have been better than two rebellions—the scenes at Windsor, St. Charles and St. Eustache—the frontier atrocities—and the expenditure of three millions sterling, which will be the cost before the accounts are closed? Does any man in his senses believe, if Mackenzie or Bidwell could have guided the internal policy and dispensed the local patronage according to the British mode, that either of them would have been so mad as to dream of turning Upper Canada into a republic; when, even if they succeeded, they could only hope to be Governors for a few years with powers very much more restricted and salaries not more ample than were theirs for life or as long as they preserved their majority? Possessed of honours and substantial power (not made to feel that they who could most effectually serve the Crown were excluded by a false system from its favour that others less richly endowed might rise upon their ruins), would these men have madly rushed into rebellion with the chances before them of expatriation or of an ignominious death?

You well know, my Lord, that rebels have become exceedingly scarce at home since the system of letting the majority govern has become firmly established, and yet they were as plenty as blackberries in the good old times, when the sovereigns contended, as Sir Francis Head did lately, that they only were responsible. Turn back and you will find that they began to disappear altogether in England about 1688, and that every political change which makes the Executive more completely responsible to the Legislature and the Legislature to the country at large, renders the prospects of a new growth, “small by degrees and beautifully less.” And yet, my Lord, who can assure us, that if the sovereigns had continued, as of old, alone responsible; if hundreds of able men, all running the same course of honourable ambition, had not been encouraged to watch and control each other; and if the system of governing by the minority and not by the majority and of excluding from power all who did not admire the mode and quarrelled with the court, had existed down to the present day;—who, I ask, will assure us, that Chatham and Fox, instead of being able ministers and loyal men, might not have been sturdy rebels? Who can say that even your Lordship, possessed of the strong attachment to liberty which distinguishes your family, might not,—despairing of all good government under such a system,—instead of using your influence to extend by peaceful improvements the happiness of the people, be at this moment in the

field at their head and struggling, sword in hand, to abate the power of the Crown? So long as the irresponsibility principle was maintained in Scotland and the viceroys and a few bishops and courtiers engrossed the administration, there were such men as Hume and Lindsay, and such things as assemblies in Glasgow, general tables in Edinburgh, and armed men in every part of that noble country, weakening the Government and resisting the power of the Crown; and up to the period when Lord Normanby assumed the government of Ireland and it became a principle of administration that the minority were no longer to control the majority and shut them out from all the walks of honourable ambition, what was the attitude in which Mr. O'Connell stood towards the Sovereign? Was it not one of continual menace and hostility, by which the latter was degraded and the former clothed with a dangerous importance? And what is his attitude now? Is it not that of a warm-hearted supporter of the Queen, whose smiles are no longer confined to a faction but shed over a nation, every man of which feels that he is free to obtain, if he has ability and good fortune to deserve, the highest honours in her power to bestow? Daniel O'Connell (and perhaps it may be said that his tail suggested the comparison) is no longer a political comet blazing towards the zenith and filling the terror-stricken beholders with apprehensions of danger and a sense of coming change; but a brilliant planet, revolving in an orbit with the extent of which all are familiar and reflecting back to the source of light and honour the beams which it is proud to share. Who any longer believes that O'Connell is to shake the empire and overturn the throne? And who doubts, had he despaired of justice, but he too might have been a rebel and that the continued application to Ireland of the principles I denounce, would have revived the scenes and the sufferings through which she passed in 1798?

If, my Lord, in every one of the three great kingdoms from which the population of British America derive their origin, the evils of which we complain were experienced and continued until the principles we claim as our birthright became firmly established, is it to be expected that we shall not endeavour to rid ourselves, by respectful argument and remonstrance, of what cost you open and violent resistance to put down? Can an Englishman, an Irishman or a Scotchman, be made to believe, by passing a month upon the sea, that the most stirring periods of his history are but a cheat and a delusion; that the scenes which he has been accustomed to tread with deep emotion are but mementoes of the folly and not, as he once fondly believed, of the wisdom and courage of his ancestors; that the principles of civil liberty, which from childhood he has been taught to cherish and to protect by forms of stringent responsibility, must, with the new light breaking in upon him on this side of the Atlantic, be cast aside as an useless incumbrance? No, my Lord, it is madness to suppose that these men, so remarkable for carrying their national characteristics into every part of the world where they penetrate, shall lose the most honourable of them all, merely by passing from one portion of the empire to another. Nor is it to be supposed that Nova Scotians, New Brunswickers

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and Canadians—a race sprung from the generous admixture of the blood of the three foremost nations of the world—proud of their parentage and not unworthy of it, to whom every stirring period of British and Irish history, every great principle which they teach, every phrase of freedom to be gleaned from them, are as familiar as household words, can be in haste to forget what they learnt upon their parents' knees; what those they loved and honoured clung to with so much pride and regarded as beyond all price. Those who expect them thus to belie their origin or to disgrace it, may as soon hope to see the streams turn back upon their fountains. My Lord, my countrymen feel, as they have a right to feel, that the Atlantic, the great highway of communication with their brethren at home, should be no barrier to shut out the civil privileges and political rights, which more than anything else, make them proud of the connection; and they feel also, that there is nothing in their present position or their past conduct to warrant such exclusion. Whatever impression may have been made by the wholesome satire wherewith one of my countrymen has endeavoured to excite the others to still greater exertions, those who fancy that Nova Scotians are an inferior race to those who dwell upon the ancient homestead or that they will be contented with a less degree of freedom, know little of them. A country that a century ago was but a wilderness and is now studded with towns and villages, and intersected with roads, even though more might have been done under a better system, affords some evidence of industry. Nova Scotian ships, bearing the British flag into every quarter of the globe, are some proofs of enterprise; and the success of the native author, to whom I have alluded, in the wide field of intellectual competition, more than contradicts the humorous exaggeration by which, while we are stimulated to higher efforts, others may be for a moment misled. If then our right to inherit the constitution be clear, if our capacity to maintain and enjoy it cannot be questioned, have we done anything to justify the alienation of our birthright? Many of the original settlers of this Province emigrated from the old colonies when they were in a state of rebellion—not because they did not love freedom, but because they loved it under the old banner and the old forms; and many of their descendants have shed their blood, on land and sea, to defend the honour of the Crown and the integrity of the empire. On some of the hardest fought fields of the Peninsula, my countrymen died in the front rank, with their faces to the foe. The proudest naval trophy of the last American war was brought by a Nova Scotian into the harbour of his native town; and the blood that flowed from Nelson's death wound in the cockpit of the *Victory* mingled with that of a Nova Scotian stripling beside him, struck down in the same glorious fight. Am I not then justified, my Lord, in claiming for my countrymen that constitution, which can be withheld from them by no plea but one unworthy of a British statesman—the tyrant's plea of power? I know that I am; and I feel also, that this is not the race that can be hoodwinked with sophistry, or made to submit to injustice without complaint. All suspicion of disloyalty we cast aside, as the product of ignorance or cupidity;

Samuel Sheehy

we seek for nothing more than British subjects are entitled to ; but we will be contented with nothing less.

My Lord, it has been said, that if this system of responsibility were established, it would lead to a constant struggle for office and influence, which would be injurious to the habits of our population and corrupt the integrity of public men. That it would lead to the former I admit ; but that the latter would be a consequence I must take leave to deny, until it can be shown, that in any of the other employments of life, fair competition has that effect. Let the bar become the bar only of the minority, and how long would there be honour and safety in the profession ? Let the rich prizes to be won in commerce and finance be confined to a mere fragment, instead of being open to the whole population, and I doubt whether the same benefits, the same integrity, or the same satisfaction would grace the monopoly, that now spring from an open, fair and manly competition, by which, while individuals prosper, wealth and prosperity are gathered to the state. To be satisfied that this fair competition can with safety and the greatest advantage be carried into public as well as private affairs, it is only necessary to contrast the example of England with that of any continental nation where the opposite system has been pursued. And if in England the struggle for influence and office has curbed corruption and produced examples of consistency and an adherence to principle extremely rare in other countries, and in none more so than in the colonies, where the course pursued strikes at the very root of manly independence, why should we apprehend danger from its introduction or shrink from the peaceful rivalry it may occasion ? But, my Lord, there is another view that ought to be taken of this question. Ought not British statesmen to ask themselves, is it wise to leave a million and a half of people, virtually excluded from all participation in the honourable prizes of public life ? There is not a weaver's apprentice or a parish orphan in England, that does not feel that he may, if he has the talent, rise through every grade of office, municipal and national, to hold the reins of government and influence the destinies of a mighty empire. The Queen may be hostile, the Lords may chafe, but neither can prevent that weaver's apprentice or that parish orphan from becoming Prime Minister of England. Then look at the United States, in which the son of a mechanic in the smallest town, of a squatter in the wildest forest, may contend, on equal terms, with the proudest, for any office in twenty-eight different States ; and having won as many as contents him, may rise, through the national grades, to be President of the Union. There are no family compacts to exclude these aspirants ; no little knots of irresponsible and self-elected councillors, to whom it is necessary to sell their principles, and before whom the manliness of their nature must be prostrated, before they can advance. But, in the colonies, where there are no prizes so splendid as these, is it wise or just to narrow the field and confine to little cliques of irresponsible politicians, what prizes there are ? No, my Lord, it is neither just nor wise. Every poor boy in Nova Scotia (for we have the feelings of pride and ambition common to our nature) knows that he has the same right

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to the honours and emoluments of office as he would have if he lived in Britain or the United States ; and he feels, that while the great honours of the empire are almost beyond his reach, he ought to have a chance of dispensing the patronage and guiding the administration of his native country without any sacrifice of principle or diminution of self-respect.

My Lord, I have done. If what has been written corrects any error into which your Lordship or others may have fallen and communicates to some, either in Britain or the colonies, information upon a subject not generally understood, I shall be amply repaid. Your Lordship will perhaps pardon me for reminding you that, in thus eschewing the anonymous and putting my name to an argument in favour of Executive responsibility for the North American colonies, I am acting under a sense of deep responsibility myself. I well know that there is not a press in the pay of any of the family compacts, that will not misrepresent my motives and pervert my language ; that there is not an over-paid and irresponsible official, from Fundy to the Ottawa, whose inextinguishable hostility I shall not have earned for the remainder of my life. The example of your Lordship will however help me to bear these burdens with patience. You have lived and prospered, and done the state good service, and yet thousands of corrupt boroughmongers and irresponsible corporators formerly misrepresented and hated you. Should I live to see the principles for which I contend operating as beneficially over British North America, as those immortal acts, which provoked your Lordship's enemies, do in the mother country, I shall be gratified by the reflection that the patriotic and honourable men now contending for the principles of the British Constitution, and by whose side as an humble auxiliary I am proud to take my stand, whatever they may have suffered in the struggle, did not labour in vain.—I have the honour to be, with the highest respect, your Lordship's humble admirer, and most obedient servant,

JOSEPH HOWE.

CHAPTER VII

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Resolution of want of confidence—Speech thereon—Sir Colin Campbell's answer—Resignation of James Boyle Uniacke—Mr. Howe's congratulations—Address to Sir Colin Campbell—His answer—Mr. Huntington's notice of intention to ask for Governor's removal—Mr. Uniacke's address to his constituents—Address to the Crown for Sir Colin Campbell's removal—Public meeting addressed by Howe and Johnston—Mr. Howe's speech—Meetings in the country—Visit of Governor-General—Arrival of Lord Falkland—Howe joins Executive—Dissolution of House—Letter to constituents—Views on religious freedom—Address to Lord Falkland and answer—Howe elected in Halifax—Public dinner to elected members—Mr. Howe's speech thereat—Review of Solicitor-General Johnston's speeches.

THE House met on the last day of December 1839, some defect in the jury laws requiring an early session. Her Majesty's gracious acknowledgment of the "attachment, liberality and gallantry," of the Province, was communicated in the opening speech. The reports of the delegates were submitted to their respective Houses and they were thanked for their diligence and ability. Much had been accomplished, but it was evident that while a good deal of temper and antagonism had been exhibited at the Colonial Office, on the main questions of responsible government and the Civil List, there had been no material concession. It was quite apparent that the latter question never could be satisfactorily settled while the Executive was hostile and that the only way to ensure harmony between the Queen's representative and the representatives of the people, was to have the Governor surrounded by those who enjoyed the public confidence.

Mr. Howe, giving ample time for all the despatches and reports to be printed, and for the Executive Council to be remodelled, if there was any such design, moved on the 3rd of February 1840 these four resolutions:

Resolved, That it is the opinion of this committee, that for many years the best interests of this Province have been jeopardized and its progress retarded, by the want of harmony between the different branches of the Government and

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the absence of that cordial co-operation between the representatives of the people and those who conducted the local administration, which, in the view of this House, is highly desirable, if not indispensable, in every British colony, to which a constitution modelled after that of the mother country has been granted by the Crown.

Resolved, That it is the opinion of this committee, that during the struggle, which, since 1837, this House has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence, which, while it was beyond the control of the Assembly, has wielded the whole power and patronage of the Government, to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's ministers.

Resolved, That it is the opinion of this committee, that in approaching many of the important questions to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the Government or the country at large, and that it can anticipate no satisfactory settlement of those questions, until the Executive Council is so remodelled as to secure to this House the aid of the local administration in carrying out the views of the Assembly and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's Government.

Resolved, That it is the opinion of this committee, that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, and the people of Nova Scotia misrepresented to the Sovereign, the gracious boons of the Sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

Lord John Russell's despatches, conferring in fact if not in precise words, new constitutions upon all the colonies, had been published in the meantime. A message had been sent by the Governor-General to the Parliament of Canada, in which the two Houses were assured "that he had received Her Majesty's commands to administer the government of the Provinces in accordance with the well-understood wishes and interests of the people and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them." In New Brunswick, Sir John Harvey at once recognized in the despatches "a new and improved constitution" and by a circular memorandum he informed the heads of departments that thenceforward their offices were held by the tenure of public confidence. In Nova Scotia, we had no messages, memoranda or acknowledgments. The Executive Council,

conscious of their unpopularity and want of influence, held their places, and were proceeding with public business with an indifference to public opinion which could no longer be endured. In moving his resolutions on February 3rd, Mr. HOWE spoke to the following effect :

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In rising to offer a series of resolutions to the committee, I cannot but express my regret that the duty has not devolved on some one else. I wished to prevail on those gentlemen, who had recently acted as the delegates of the House, who had been so extensively trusted and honoured, and who had become familiar with the course which it might be wise for the House to pursue, to submit these resolutions to the committee. They, however, considered that as I had taken the lead in former measures, I should have the honour of the care of these propositions. I then wished that some more aged member of the House, some one possessing more weight and belonging to what was called the popular party, should open the debate and confer some authority on the propositions by his years and standing in the country. These gentlemen also thought, that from my long acquaintance with some questions, that I would be more familiar with the topics discussed in the resolutions than they could be, and they also urged the duty on me.

In approaching the subject which is to engage the attention of the committee, I feel borne down and embarrassed ; I feel that we are approaching questions of most vital importance to the prosperity of the country and to the standing and character of the House. We are about to decide whether there shall be in Nova Scotia those wise institutions which will require but little future change, and which may be handed down with pleasure to our posterity ; or whether we are to stagger on with the imperfect, dangerous system which exists up to the present time ? While thus borne down with the importance of my subject, and impressed with the inadequacy of my own abilities for its advocacy, I feel constrained to say, with the Roman orator, "Hear me for my cause,"—for my cause, which is yours, and the cause of the country at large.

Everybody feels the importance of these subjects, and I trust, therefore, in dealing with them, that however imperfect may be my manner, the House will deliberate calmly on such arguments as I shall bring forward and judge of them on their own merits. I admit that I was in some degree cheered by what has occurred since we have become members of this House. When we met for the first time, it was only natural that those who thought with me should have some distrust of my temper or judgment or intentions ; that those who were disposed to think favourably of the principles which I professed should be afraid that I would go too far ; and that those who were opposed to those principles, might be excused, if they attributed selfish, reckless and ambitious views and feelings to me. I trust, however, that what has occurred during a few past years entitles me to appeal to the committee for some confidence and to ask from my usual opponents the calm consideration of the

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questions which I shall submit. I trust that the subject will not be decided on ancient prejudices. I believe that all feel that this matter should not be looked at in the light of party, nor be influenced by any former discussions; that it is not to be governed by partialities or prejudices, but is to be weighed according to the arguments adduced. I feel that I have a claim on the confidence of those who usually think with me and on the calm consideration of my opponents; and I am thus cheered, more than I otherwise would be in the task which I have undertaken.

The House may look back with some complacency to the progress of the country since we met for a first time in 1837. Previous to that period, what was the actual state of the affairs of the Province? Public expenditure had gone on steadily increasing; some efforts had been made towards economy, but very rarely according to any system or with any success; the expenditure was growing greater—the power of the people to reduce it, less; and the official party in the country greatly predominated. Need I say that we felt that in 1837 that party was then powerful and the House powerless and prostrate? The Province was then slowly recovering from a deluge of paper, which was as irresponsible as the Government by which it was issued. The agriculture of the Province was at a low ebb, and the markets gave a very unsatisfactory return for what was produced. Commerce was depressed, vessels were rotting at the wharves, and mutual distrust paralyzed exertion. The young men of the Province were flying from it, as from a place where there was no field for honourable ambition; and no stream of emigration was supplying the demands for population. A considerable public debt had been contracted;—I will not call it heavy for a country like Nova Scotia, but it was considerable;—and while the general expenditure was increasing, all that could be given to the improvement of the roads of the country was about £10,000. That was the state previous to the meeting of the Assembly in 1837; and what are the appearances now? I make these references that we may ascertain what steps have marked the progress of our deliberations, and what may yet be taken without fear of consequences. Now, at least, emigration from the Province has stopped; some of the young men who have gone away have returned, in many cases no doubt taught to value their own country by what they have seen abroad. Trade has revived; commerce has been elevated in its character; and the merchants of the country stand as high in foreign countries as perhaps any body of such persons on the continent of America. The currency has not been tampered with; the revenue is flourishing, and a sum of £30,000 is in the treasury. I do not say that all this flows from wise legislation, from the agitations that have disturbed the harmony of the Assembly or from any operation of that House: the blessing of Providence is the great cause, but the House may take some credit for the changes that have been experienced. I believe that the views exhibited in this Assembly and the principles propounded, have cheered the people in their exertions; have proved that that House represents the feelings and interests of the country; and have given

early promises of reform, which have a beneficial effect on the minds of the population generally.

A few minutes may be spent in inquiring how those promises have been kept. The £5000 provided by a recent bill will pay off every farthing of the debt which the House has contracted. We thus pay off a portion of the debt to the rich and by means of the savings bank, give the poor the means of a useful investment. By the measures of 1837, we saved about £3000 a year. Arrangements made by the delegates in post office affairs will cause a saving of about £1000; and the expected union of the customs and excise will save another £1000 with reference to the port of Halifax alone; and the bill that passed a few days ago, for judicial reductions, will save about £1600 a year additional. These items prove the anxiety of the House and their success in putting reduction into a regular train. Beside this, we have been enabled to give £1000 to the sufferers in Canada and £3000 to relieve distress in the Province caused by failures of crops. So that, as regards the finances of the Province, the debt is no worse, expenses have been reduced, prosperity has increased, we have an abundant revenue and £30,000 to spare in the treasury. I make these references that the House may understand, whatever we have been charged with, that our financial affairs are no worse than we found them, but a great deal better. As to political questions, we have succeeded in causing the opening of the doors of the Council chamber. That subject of complaint and annoyance has been disposed of. Judges are secluded from politics by being removed from the other branch, and the joint power of the second branch has been abolished, and it has been made to resemble more nearly the constitutional model. There are two bodies now, where formerly there was but one; one of these forms a control over the proceedings of that House,—the other is to assist in carrying on the executive government of the country. The bank influence, also, has been neutralized; and no fears now exist on that head. The other day, we passed what I believe to be a valuable bill respecting the Crown lands. We have settled the question of the outports by opening nearly all whose claims have been pressed on our attention. While this has been accomplished respecting internal affairs, what character has been maintained abroad? By this review I wish to show to the Assembly, that in taking another step, there is nothing in the past to terrify—nothing in the chimeras that have been conjured up to prevent this other step being taken and a constitution being fixed for the country. What then is the reputation of the Province abroad? While other colonies have gone into rebellion, Nova Scotians have maintained their allegiance unsullied; we, as far as possible, occupied a position in which we helped to calm the angry passions of those who had been dangerously excited. But when a foreign enemy attempted to cross our frontier, how did we act? We did nothing more than we ought to do; nothing more than I hope our children would do under such circumstances; but we did that, which, at least, is no dishonour to the Assembly. In the adjoining colonies this Legislature is con-

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sidered as a body following out constitutional reforms, and willing to co-operate for that purpose, but entertaining no disposition to weaken the connection with the mother country, nor to sanction that which is not wise and is not founded on the constitution of the government under which we lived. What is thought of the House in the neighbouring states? They say that perhaps they receive more fair play there,—a more rational interpretation of their institutions and conduct, than in other colonies; but that when they interfered with the just rights of the Province, when they attempted to invade the sanctity of British soil, then the Assembly of Nova Scotia stood in the foreground of opposition. Look to the mother country, and what is the Provincial reputation there? The answer is given in the extract from Lord Normanby's despatch, which the Queen's representative has placed in his speech at the opening of the session, and which is so honourable to the House. This reputation, I hope, we will support by the wisdom of our future proceedings. This being the case, we now come to grapple with a question of great moment to the present generation and to posterity. I may assert, that we have earned from each other some mutual confidence and support; and from other colonies and the mother country, a liberal interpretation of our actions and feelings. We have cleared from the field of discussion many perplexing questions, and can now approach that important matter with a single object in view, which, if obtained, will speedily settle all that remains.

If I were asked, what is this question which they are approaching, I would say, that it is the foundation of a constitution resembling that of England, which lies at the base of every good government and there can be no wise and satisfactory administration of public affairs without it. The question has agitated every colony; it has received the sanction of Liberal statesmen; and this House has again and again pressed it, in one shape or another, on the attention of the Home Government. Without that just system aimed at, there can be no peace, no good government, in any country. By the settlement of it, no question can again arise, in the present generation, which can greatly disturb the harmony of the country. There will be struggles between parties—there will be minor abuses to be corrected; but no agitation respecting organic changes, to cause any general annoyance or apprehension. In approaching this question, I would ask, is it new, so far as the experience of the Assembly goes? It has been said that the view has been learned from the Earl of Durham. I admit that, as respects that nobleman's opinion, I am glad to have such authority in support of my argument; but it was not learned from him. This House had asked for a government, responsible in local affairs, before his Lordship saw this continent. I would refer to the address of 1837; in that we asked for such responsibility as would assure to the Province the fair influence of its Legislature, in all matters, and the spirit of the British Constitution. The address of 1838 was of the same character, and the report of Earl Durham did not appear until the spring of 1839. I am happy to have the concurrence of so celebrated a man; but I think it right to show

that we are not mere followers of his report, but had asked for responsible government before that document appeared. I will trouble the committee with some extracts from it to show the opinions of his Lordship on the subject.

"It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the Executive and the popular branches of the Legislature. The Representative body of Upper Canada was, before the late election, hostile to the policy of the Government; the most serious discontents have only recently been calmed in Prince Edward Island and New Brunswick; the Government is still, I believe, in a minority in the Lower House in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said, that the natural state of government in all these colonies is that of collision between the Executive and the Representative body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular branch of the Legislature; and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed."

"That they might co-operate harmoniously" in this Province, is the object of the propositions I intend to submit.

It will be perceived how strongly his Lordship contrasts the affairs of the Upper and Lower Provinces of Canada, and commends the political sagacity shown by the former.

"The reformers, however, at last discovered that success in the elections ensured them very little practical benefit. For the official party, not being removed when it failed to command a majority in the Assembly, continued to wield all the powers of the executive government, to strengthen itself by its patronage, and to influence the policy of the colonial government and of the colonial department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could choose its own moment for dissolving hostile Assemblies; and could always ensure, for those that were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the reformers found that their triumph at elections could not in any way facilitate the progress of their views, while that executive government remained constantly in the hands of their opponents. They rightly judged that if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment, inasmuch as the advisers of the Governor could always take care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the English reformers of Upper Canada with the less prudent course of the French majority in the Assembly of Lower

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Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object, namely, an extension of popular influence in the government."

I trust that the Assembly will concentrate its powers to obtain this object. I trust that the question will not be viewed as a petty, party question, but as a great matter, in the honour of settling which all may participate.

"It is not in the terrors of the law, or in the might of our armies, that the secure and honourable bond of connection is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British Empire."

His Lordship here states, that in doing justice to the colonies, in giving them British institutions, the mother country would be relieved, and the armed force now required to maintain order might be withdrawn. Let these institutions be given and then, if great changes were attempted, the population would not only exhibit disgraceful ingratitude, but would fall from those institutions which have been handed down by their fathers, and the efficacy of which has been so fully proved.

"In England this principle has been so long considered an indisputable and essential part of our constitution that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is sealed, and it would appear to us as strange to attempt for any time to carry on a Government by means of ministers perpetually in a minority as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies by impeachment and a stoppage of the supplies have never since the reign of William III. been brought into operation for the purpose of removing a ministry. They have never been called for, because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote and to retire, when supported only by a bare and uncertain majority. If colonial legislatures have frequently stopped the supplies—if they have harassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the colonies by those milder indications of a want of confidence, which have always sufficed to attain the object in the mother country."

This House has never proceeded to the extreme of stopping the supplies; why? It was not because it was satisfied, or had no excuse for so doing, or would not do so if it had the power. No; but we knew that by so doing we should inflict a certain evil on the country—we would be prosecuting what we think is good in itself, but what others in the country might not think worth

the sacrifice. Therefore, a standing rule of our conduct has been, not to jeopardize the public interests by any action. Need I refer to the rescinding of the resolution against the Council in 1837? The rule has been to keep peace, and not to let it be said that from any feeling of pride or self-importance, we would allow the best interests of the country to be endangered.

“The British people of the North American Colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change that I propose to concede the responsibility of the colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change which would amount simply to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants.”

Did his Lordship mean that power should not be grudged to the colonial Assemblies, to interfere in the great national regulations, in arrangements respecting the army or navy of the empire or the prerogatives of the Parliament or Crown? What was the power alluded to? Power to influence those who conducted the local administrations within the Provinces, and who had the patronage of local appointments in which the mother country felt no concern, which could have no influence in her general affairs, or those of the adjoining colonies.

I will turn for a few moments to another publication to show the opinion of another statesman on such subjects. It is the speech delivered some months ago by Mr. Macaulay at Edinburgh, in which was forcibly pointed out the distinction between legislation and administration.

“There is a common error; it is one that I should not be surprised to find even among the respectable body that I now address, for I have found it among men not only of education and good abilities, and generally speaking enlightened views, but also exceedingly conversant with public life; I allude to the common error of thinking that in politics, legislation is everything and administration nothing.

“It seems strange that people should not be aware that it is often better to have an unreformed system of laws administered in the spirit of reform, than a reformed system administered in a spirit hostile to reform.”

The speaker illustrates his position by a variety of references. Instead of dwelling on it any longer, however, I will turn to another authority, which I am confident will have weight with the committee, and the quoting of which gives me great pleasure, knowing as I do that the writer will not be accused of any undue partiality, and recollecting the expressed opinions of that gentleman which seemed to have such an opposite tendency. I allude to a letter from one of the Council's delegates, the Hon. Mr. L. M. Wilkins, to the Marquis of Normanby. This is not an authority inclined to go to the extreme on the liberal side, however he may be supposed by some to go to an extreme in an opposite direction. I feel glad at this further evidence, that there is a

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chance of all uniting on this question, and of getting it out of the way, with the other matters that have been settled by the House.

"I have, my Lord, the utmost respect for the representatives of the people of the colony to which I belong. I most sincerely desire that the two Houses may be enabled to legislate harmoniously and usefully, and I fully assent to the sentiment expressed in one of the resolutions of the House of Assembly passed in the last session, that the temper and spirit of the local administration should be in accordance with the opinions and wishes of the great majority of the people.

"I have dwelt the more at length on this subject, my Lord, because I conceive that little more is required to advance the happiness and prosperity of Her Majesty's subjects in Nova Scotia, who are devotedly attached to her royal person and government, than to secure to them a constitution in form and spirit as nearly as possible assimilated to that of the parent state, thus enabling them freely and independently, by means of their local legislation, subject only to such restrictions as are necessarily incidental to the relation between a colony and the metropolitan state, and aided by the fostering care and protection of the great nation to which they belong; to develop their own resources, control and manage their own revenue, improve their own local institutions, and, in a word, to ameliorate their own social and political condition."

These are sentiments honourable to the writer, as a late member of the House, as a member of the other branch, and as a Nova Scotian, feeling a deep interest in the welfare of his native land.

If I had searched all the colonial libraries for a strong opinion in favour of what I wish to urge on the House, I could not have found one which better suited my purpose than that just read. Is not then the proposition before the House the language of common sense and in accordance with the recorded opinions of the Earl of Durham, Mr. Macaulay, and Mr. Wilkins? Is it not founded on the common practice of life? Suppose a company formed for the purpose of constructing a railroad; suppose the line to be run across the country, the foundation laid surely and the tracks completed; suppose everything done on the best and most liberal scale, but no returns realised. Up to that, the result of legislative action was harmonious; but if the officers appointed to administer its affairs, instead of conducting it wisely and being closely responsible to the general body, acted imprudently, directly thwarted the views of the shareholders, and did not acknowledge their control; could anything but evil result from such a state? Suppose a ship built to navigate the ocean; the merchant might invest his capital, he might fill the hold, and provide her with every requisite; but if he sent her under a crew which disregarded his interests and disobeyed his instructions, would any believe that the speculation could prosper, and that the vessel would make a good voyage, and return successful into port? So is it in national affairs; it will be found that although the House has done much,—has cleared away many questions,—

we are required to do still more to secure the well-being of the country ; there will be no security until we take one step further, until we have carried out the principles of the resolutions and have made the local government harmonize with the Legislature. This should be done, if we would prevent the possibility of everything which has been effected being reversed or rendered nugatory. We should not rest satisfied with what we have accomplished, but ought to go on to secure and perfect our work. The country might be swept back to the predicament in which it formerly stood if the House could not influence the administration, and answer the wishes of the people by providing for good government. To test the principles which I advocate, I have prepared four short resolutions, the first of which I will now read to the House.

1. *Resolved*, That it is the opinion of this committee, that for many years the best interests of this Province have been jeopardized, and its progress retarded, by the want of harmony between the different branches of the Government and the absence of that cordial co-operation between the representatives of the people and those who conducted the local administration, which in the view of this House is highly desirable, if not indispensable, in every British colony to which a constitution modelled after that of the mother country has been granted by the Crown.

This refers to times past. It alludes to the difficulties that have been experienced for many years, and which flow from the system now under consideration.

Particulars on this subject may be required. I feel this day unusually anxious to conduct the inquiry in a manner suited to the solemnity and importance of the question. If I felt called on to go in an acrimonious manner into the support of the resolution, I might perhaps rake up many things that would justify its language ; but I do not wish to express one unnecessary word of harshness, or to hurt the feelings of any man in the House or out of it ; I will therefore only make a few references of a general nature. During the last session I stated that, in the last ten years a sum of £80,000 had been wasted in the public affairs of the Province. That charge has been laughed at, but I have never seen it satisfactorily controverted. I believe the reckoning to be sound ; but if the sum were not so large, a very considerable loss can be undoubtedly proved. If a better system existed that evil would not have grown up. I might also refer the committee to the old question respecting the customs establishment. If they entered on that discussion with the local government, instead of being against the House, co-operating with it, would not a much wiser settlement have been effected ? Would the result on the quit rent question be as it is if the members of the Government had no interest in the transaction and had no desire to thwart the views of the Assembly ? I not only demand that the Executive Council should not bear against the Assembly ; they should give it their full support and hearty concurrence. Every member could recollect

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the old Brandy question. £20,000 has been lost by that question. That was not a dispute between the two recognized legislative branches so much as it was between that Assembly and another, which wielded combined legislative and executive powers. If a system of responsibility in local matters were then in existence, can any man suppose that that dispute would have proceeded to the length it did? When any fear of collision between the two branches occurs in the old country, the Executive steps in and supplies the corrective. Here the Assembly has been involved in conflicts, not only with the upper legislative branch, but with the Executive also. The struggle alluded to ended in waste of the public resources and distraction of the public mind, and but too plainly manifested the impracticability of carrying on the Government satisfactorily in that manner. The old story of the marriage license lasted about a quarter of a century before it was finally arranged. Would any one believe, if the local government supported the views of the Assembly, that that would not have been settled much earlier? It was brought to a close, I believe, when his Excellency was about coming out; it was then granted as a boon which was to make his Government popular and to satisfy the colonists; they were allowed to get married according to their own notions. The Pictou Academy dispute was another question which agitated the Legislature from 1818 to 1834. Majorities in that House carried bill after bill, and resolution after resolution before that was disposed of. It might be said that the Executive advisers were right in that part of their conduct; but that was not the question; supposing the House to be wrong, ought not it to have the power, in a local matter, to carry the Executive sanction? The Pictou Academy question was whether an institution should grow up which was favoured by large portions of the people. It was finally destroyed, and the very feeling that created it then began to build up another, which now exists, half academy and half college; and the question of colleges is to this day in some degree embarrassed by the old dispute. I make these references to illustrate my views; I do so, not to create any unpleasant feeling, but as I would refer to a volume of history. The second resolution which I will submit to the committee is as follows:

2. *Resolved*, That it is the opinion of this committee, that during the struggle which since 1837 the House of Assembly has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence which, while it was beyond the control of the Assembly, has wielded the whole power and patronage of the Government to baffle its efforts, and thwart the wise and benevolent policy avowed by Her Majesty's ministers.

That resolution does not refer to the history of the country, but to the experience of the present House. I think I need hardly say a word on the difficulties of the last three or four years; they are fresh in the minds of all. There is scarcely a subject of importance to the constituency of this House, that has not to be fought for inch by inch against the influence of

the local government, instead of its being found co-operating with the Legislature, as, to a certain extent, it undoubtedly should do. I need not refer again to the old matter of rescinding, when the House gave way to the pressure of that influence rather than cause a great loss to the country. We would not act over again the Brandy dispute, and we yielded; but gentlemen around me will well recollect with what feelings. I need only refer also to the opening of the Council's doors. In the spring of 1837 what was experienced? The other branch was not then a Legislative Council only, it was the Executive of the country. Almost everything that the Assembly asked at that time was declared to be nonsense, or to originate in republican feelings or disaffection; and it was said that we were going to destroy the country. The recollection of those charges makes me smile now; but what was the result? The House addressed Her Majesty, and the Queen thought very differently from her Nova Scotia Council; Her Majesty granted much that was asked and thanked the House for asking. The Executive Council at that time used the whole of its patronage to thwart the views of the Assembly. In the next year, the Civil List Bill was passed, and was referred to the authorities at home. Does any one believe that the recommendations of the Assembly were supported at that time by the local Executive? Did that body say, "The sums are sufficient, the measure is good, give it to the representative branch?" No; it is believed that their influence was used to defeat it. Need the business of last session be more than referred to in proof of the resolution? The Assembly entrusted two delegates with a variety of measures which were thought to be important to the country. What were the results? The Legislative Council opposed the measure, and finally resolved that if his Excellency should think fit he should send two of their body also to represent their views to the Home Government. Of course the object was to oppose the general views of the Assembly. If the Executive Council had control in this matter and felt with the people, either that delegation would not be sent from the other end, or it would receive very different instructions. What were its avowed objects? That the seats of members of the Legislative Council should be rendered permanent, and that there should not be a union of the colonies. When they arrived home, however, the burthen of the mission was winked out of sight, and they opposed and annoyed the delegates of the House on questions of importance to the country as much as they possibly could. Would such a delegation be sent under the system proposed, and if it were, would not the Executive stand apart from both, holding the balance fairly between the disputing branches, and not as the favourer and advocate of one and the opposer of the other? The delegates went, however. The delegates of the House did some good; all admit that; but I inquire of any who hear me, what good have the Council's delegates accomplished? What did they effect that was desired? What did they defend that was attacked? What did they do? And yet I take it for granted that £1000 have been expended by them, which will have to be paid out of the general or the casual revenue. This is

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the system that, from time to time, injures the country. The third resolution, which I have prepared for the opinion of the House, is as follows :

3. *Resolved*, That it is the opinion of this committee, that, in approaching many of the important questions to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty, which it would be unwise to conceal, either from the Government or the country at large ; and that it can anticipate no satisfactory settlement of those questions until the Executive Council is so remodelled as to secure to this House the aid of the local administration in carrying out the views of the Assembly, and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's Government.

If I were asked for a proof of that, I would give the following illustration. The Government asked the House for a Civil List—the House passed a bill which they thought gave sufficient to the public officers. I voted for it, and would vote for it again, and I believed it gave as much as the country should give ; but I declare my readiness, if I saw the prospect of settling the question finally by increasing some of the items, to support some increase, for I consider the matter of a few hundred pounds trifling compared with the continued agitation of these measures. I have been charged with an anxiety for agitation ; but I might be allowed to say, that if there is a man in Nova Scotia desirous to wind up all these questions, to fix the constitution, and see the country in peace and prosperity, I can surely lay claim to these feelings. I might be disposed to give more than my honourable friend from Yarmouth, for the purpose of settling the Civil List Bill, and with the view of meeting Government half-way. [Mr. HUNTINGTON said that it was no principle that influenced the matter, the incumbents increased the sums themselves.] If the Civil List Bill were taken up again and passed, would it not again go to England with the remonstrance of the Executive Council against it ; or, if they did not remonstrate, with their influence opposed to it, instead of the bill going, as it ought to go, with the direct influence of that body in its favour, and their voice praying the Government to let it pass. I believe that a reasonable bill recommended by the local government, would obtain the sanction of the home government. [Mr. YOUNG said that there would be no difficulty then. Mr. HUNTINGTON said that the Governor had instructions to pass any bill that the two branches should agree to.] If so, direct advantage would accrue by the application of liberal views on the other branch. I do not ask the dismissal of any of the present members of the Legislative Council, but the infusion of liberal opinions as vacancies occur, and one or two votes would be of much consequence on some important measures ; the patronage of the Executive Council would also have much influence on some in the other legislative branch, where there are always members who give due attention to such matters. Thus wise, fair and legitimate measures might be pressed by the Executive on the other branch, instead of that branch looking to the power and patronage of the Executive for aid against the House. I will now pass to a subject that concerns all who hear me

and that concerns the rising generation still more. The prevailing sentiment of the Assembly, on public education, is to pass a bill by which good common school education shall be extended over every part of the Province. Suppose such a measure to pass, would not its success depend on the manner and spirit in which it would be carried out by the Government? If the principle of assessment were adopted, and the Government received the power of acting on it, what would be the effect? The men who supported popular candidates in the country would be so annoyed and irritated by the action under the bill, that the members unpopular with the Government need never expect to see the inside of the Assembly room again. Thus might be made to operate as a curse, that which would be intended as a blessing; and these are the difficulties that make the House pause and hesitate almost at every step of their progress. We are prepared to deal with education in a proper spirit, but are the Government prepared to deal wisely and fairly with the details? Is there a man on what is called the popular side who does not feel that the moment he sanctions such a measure, he places a weapon in the hands of the local government, which will be wielded to destroy his influence in his county and turn him from that Assembly? To revert to the subject of the roads of the Province, there is a sum of £30,000 in the treasury, and when we come to expend it, we will have to pause with much anxiety. I feel that from experience. During last session I felt it a compliment in the House to pass a bill giving £2000 towards opening the eastern road. The six members interested in the line, after much thought, agreed on its expenditure, and on the commissioners of the work. His Excellency was informed of this, but the road was handed over to others, without any regard to previous arrangements respecting the parts to be first attended to, or the commissioners. I felt annoyed at this, not because the persons employed—Mr. Munro and Mr. Taylor—were not good roadmakers, but because I considered that the alteration was made for the purpose of annoying the members for Halifax and Guysborough counties. I complained to the Governor, and was told his Excellency knew nothing about it, that it was done by a committee of the Council;—I complained to an Executive Councillor, and was told that he knew nothing about it, and that the arrangement was made by command of his Excellency. This is the operation of the system, and until some change shall be effected, the House feels that it cannot go into any great measure of public improvement. I admit that during last session, when we supposed that the enemy was in the field, we forgot all such matters and supplied the requisite funds. But what was our position? So jealous was the House of the Executive Council, that it waived the usual courtesy, struck their names out of the bill, and left the matter to the Governor personally, in order that we might have some responsibility for the expenditure of the money. I might illustrate this in a variety of ways, and might exhibit that the want of some efficient check interferes with public improvements of every description, in a manner that would not be supposed probable by any who were not acquainted with the facts. I referred the other day to the wilderness lands;—if

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the Land Office were connected with a wise system of emigration, and it were determined to carry on a correspondence with emigration societies, for that purpose, and to adopt active measures for adding to the population of the Province ;—if we resolved to make that department active and useful, instead of its being as at present, of making it the means of raising the value of all the wilderness lands of the Province and of placing it in such a situation as an active man would work night and day to accomplish ; does any man think that they would have the sanction of the local government or the concurrence of the officer interested ? I do not wish to speak harshly of any individual, but the best that any can say of that office, is that it is a sort of sleepy department, in which, if there is no great harm done, there is very little good ; very little revenue is produced by it and it is very slightly connected with the improvement of the Province. Another question is the union of the customs and excise. On this I believe that some officers will co-operate with the House, but others may not, and the assistance of the local government may be required on that also. The House knows well what weight that branch has with the Executive, when they attempt to touch office ; those who are not assured on this point need not vote for the resolution.

Last winter the Assembly voted money to build a Bridewell. How was the subject proposed to the House by the Executive ? There was not a single person who could tell what sort of a building it was to be or what mode was intended to be followed. They passed the vote without the ordinary information requisite for building a barn. Instead of that, the matter should have come down as a grave proposition, recommended by the Governor, perfect in its details, and having some one responsible for its progress ; some one to abuse and censure, and if need be, to turn out, if the money were misapplied and wasted. We had to deal with it however, as this year we will have to deal with a hospital, which we are called on to build, and which is a good measure and shall have my support ; but it and all such matters ought to come down from the Executive with all the plans and explanations which are required to guide the Assembly, and which will afford some guarantee for the proper expenditure of money. I believe it will be found that nearly all the appointments in the country afford additional illustrations of the working of the system. Look at Yarmouth. Did the representatives of that place, who acted with the popular party, enjoy the patronage of the county ? No, but a little party did which included about one-eighth of the population. Turn to Digby. Did the popular members for that district enjoy Executive confidence and patronage ? A year or two ago, they got a bill for erecting a sessions house in Clare ; but the local authorities laughed at them and the measure has not been carried. If any office were vacant there to-morrow, would a person recommended by the member for Digby be appointed ? No, but if one could be found conspicuous for trying to turn that gentleman out, such an individual probably would be the successful candidate. In like manner, we might refer to the county of Annapolis. Is the representative of that county a man who

would give injudicious advice? Is he a wild, intemperate character? Has he not by hard, honourable industry obtained a stake in the country, and should not such a man have weight with a Government? Yet, does any one require to be told, that if a person were seeking any Government favour there, he would not be seen speaking to the honourable gentleman [Mr. Holland] for three weeks before his application. The party in favour there are well known; it is a little clique, which is, to all intents, the local government of the county. Coming to Kings; there are three members for that county who generally act with the majority in the House, and one who is generally arrayed against it. Do we find those three having influence in the county? No, that would be at variance with the system; but the member of the Executive Council is the man who stands superior in such matters to the other three. To come to Hants. Suppose that Mr. Goudge or Mr. McHeffy or Mr. Smith, happened to represent a county in England, would not they have influence in the Government, while the party who stood in opposition to them would be excluded, to a certain extent, until it grew up to be the majority? But how is it here? I will answer, by alluding to what I myself recently remarked to some of my own constituents. I told them, if they wanted office, they should commence abusing me, and should vote against me whenever they got the opportunity. I gave that advice and thought it only fair to do so. I might thus proceed showing that the minorities of the counties govern us—that the cone is inverted—that the sugar-loaf stands on the small end, and that the whole system is honey-combed and rotten to the core. It may struggle on a little longer; the House may not sanction that which I am about to propose, but I am as satisfied that the state of things cannot long exist, as I am that I now have a seat in this House. I am satisfied that the dissatisfaction of the population will proceed until the good old British practice is introduced of allowing the majorities to have their legitimate influence on Government, while the minorities are left to shake the measures of their opponents and to turn them out when they themselves arrive at sufficient consequence.

4. *Resolved*, That it is the opinion of this committee that the House of Assembly, after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, the people of Nova Scotia misrepresented to the Sovereign and the gracious boons of the Sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council as at present constituted does not enjoy the confidence of the Commons.

That is a fair endeavour to carry out the views which I entertain; it aims at that which was recommended by the Earl of Durham; it is in accordance with the opinions expressed by Mr. Macaulay; it is that which was shown to be just and necessary by Mr. Wilkins. It is a fair, manly step, and unless some such resolution passes, we cannot grapple as we ought with many questions. Supposing the object to be good in itself, we have to inquire, is it constitutional, is it British; can the House be justified in seeking it; is it

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sanctioned by the mother country's practice, and the maintenance of her supremacy? There, when the members of administration find that they are not supported by the general body of the people, they yield their situation into other hands, and I cannot but regret that the Executive Council now existing, and those of former years, have not at times acted in the spirit of the British practice. I recollect occasions on which I could not but feel, that if I were in the situation of any one of those gentlemen, nothing would induce me to sit another day at the board, in hostility to the spirit of the popular body. During last session, when an enemy was on the confines and the Assembly came forward like a band of brothers—when all appeared as one man—I said to the honourable gentleman for the town of Halifax, Mr. Bell, “Now would be the time for the Executive Council to act with that magnanimity which would do them honour; to say to the Assembly, You have all supported the general Government, have maintained the loyalty of the people, have acted with spirit and liberality; in Heaven’s name, then, let us break down all barriers which have hitherto divided us; throw such a number of your members into the Council as will make all harmonize; let the foreign invasion be the signal of peace and harmony throughout the country.” If I had been one of that body at the time, nothing would have induced me to forego that opportunity. But the time went by unimproved, and those who voted the money were left without any influence or voice in its expenditure. The time passed, and the same system remained, to annoy throughout the summer; the same to meet the House in the discussions of to-day; the same spirit of exclusiveness, the same opposition to the views which the House urges, and which I hope they will urge until successful.

But, admitting the end sought to be desirable, it might be asked, is the mode British? I will quote the case of Mr. Pitt as illustrative of this subject—it may be thought an unfortunate one to quote, as Mr. Pitt retained office for some time in opposition to the voice of the Commons, but I will explain that as I proceed. In 1784, Mr. Pitt was in a minority, and Mr. Fox was leading the Opposition. Pitt was supported by the court and retained his position; the consequence was that the Commons, on [the motion of Mr. Coke, passed the following resolution:—

“That it is the opinion of this House, that the continuance of the present ministers in their offices is an obstacle to the formation of such an administration as may enjoy the confidence of this House and tend to put an end to the unfortunate divisions and distractions of the country.”

I will now quote some passages from the speeches of Mr. Fox on the subject. Referring to a proposition for a coalition with Mr. Pitt, he said:

“He protested that every other consideration was, in his opinion, trivial and of no weight—that no sacrifice was too great to be offered at such a shrine; and that he would go any lengths with any man who would shake hands with him in this truly glorious, truly patriotic, and truly constitutional ground; and

he was ready to own, that the right honourable gentleman had always appeared to him as aiming at the same great and desirable object.

"As on this subject, however, he wished to conceal nothing, he would say the only suspicion he entertained, and which had originated in the mode by which the right honourable gentleman obtained and kept possession of power, was, that he entertained an opinion that the Crown might appoint a ministry, and persist in supporting them, who had not the confidence of the House. He wished he might find the suspicion ill-founded, but he dreaded to find it true; for then a union on such a principle was impossible. It went to deprive this country of an executive government in which the people had any concern, over which they could exercise any control. All the instances of voting money were on a principle of confidence. The minister's influence in the House depended on what confidence they had in him; he was their trustee; to them he was responsible for every article of public expenditure."

In England it is not considered necessary that the Parliament should prefer charges against the ministers to cause their retirement. If the House of Commons changes its mind concerning the policy of the party in power, the ministry has to yield to the pressure and make room for others more consonant with the popular views.

Thus the clashing between the Assembly and the Executive, so common in the colonies, is almost unknown in England.

"Harmony," said Mr. Fox, "rendered all the branches of the British Legislature one, and rendered its operations effectual and consistent.

"Had not a majority of the House of Commons, almost from time immemorial, governed this country? Was it not confidence in the House of Commons that gave energy and effect to every administration? Was it not the countenance and concurrence of the House of Commons which gave popularity and stability to the throne? Was it not in clashing with this radical and primary principle that so many calamities had happened in some of the reigns prior to the Revolution. Was it not to the influence of this principle that we owed all the glorious and memorable things that had been achieved during the war before last? What could be the reason for relinquishing a principle which, ever since its prevalence, has been marked with the most striking advantages?"

May I not ask, "What could be the reason for relinquishing a principle" in the colonies, so highly prized at home?

Mr. Fox continued:

"He trusted the firmness, the magnanimity of that virtuous and respectable majority, who had gone so far and done so much, would not desert them on this critical and trying occasion. He trusted they would face the difficulties they had to encounter with resolution and dignity."

That appeal I feel I may repeat to the majority who have so long acted with me and done so much for our country.

"That it had ever been an established and understood maxim that ministers

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ought not to remain in office who had not the confidence of that House, was to be proved by a reference to the most remote periods of our history. So long ago as the reign of Henry IV., when the nature of our constitution was but little known, an application had been made to that monarch from Parliament, for the removal of certain of his ministers; when Henry, with the spirit of a British king, had said, 'He knew no cause why they should be removed, but only because they were hated by the people. Yet he charged them to depart from his house, according to the desire of the Commons.' This answer, which would have done honour to a monarch in more modern times, when the constitutional privileges of that House, as the representative of the Commons of England, were so much better understood, clearly evinced how essential it had ever been considered that there should exist a mutual confidence between that House and the ministers who were entrusted with the Executive Government."

I read the extract to show that nothing appears in the resolutions that is not countenanced by the English practice :

"The House of Commons consequently were possessed of the power of putting a negative on the choice of ministers; they were stationed as sentinels by the people, to watch over whatever could more or less remotely or nearly affect their interest; so that, whenever they discovered in those nominated by His Majesty to the several great offices of state, want of ability, want of weight to render their situations respectable, or want of such principles as were necessary to give effect to the wishes of the House; in any or all of such cases, they were entitled to advise His Majesty against employing such persons as his faithful Commons could not trust. They would then say to such ministers, and say it with the greatest propriety, 'We admire your abilities, we love your virtues, and we wish your politics were of a sort to excite our admiration and conciliate our confidence; but your system is inimical to the object we have most at heart. We wish to increase the weight of the people in the constitution; your object is to lessen their weight. We are anxious to establish a strong, an efficient, a united administration; you endeavour only to preserve one which possesses none of all these qualities. We would found an executive government on public, open, unequivocal responsibility; you are endeavouring in its room to perpetuate a cabal. We assert the control of Parliament whenever the general interest requires their interference; you are attached only to what you imagine is the independence of the prerogative. In short, we are the friends of the people; they made us what we are; to them we are accountable; and for them as far as the constitution bears us out, we will act; but you avow sentiments so materially and flatly contradictory to these, that we are bound in duty to withhold from you that confidence which your avowed attachments and opinions must inevitably lead you to abuse.'"

In the resolutions before the committee, the members of the Executive Government were not attacked as individuals, but complaints were made that they were influenced by principles and feelings which were not in harmony with those of the representatives of the country.

Finding their first remonstrance ineffectual, the Commons passed an address, a single paragraph of which will show that this resolution does not go beyond it in strength of language :

“That as His Majesty’s faithful Commons, upon the maturest deliberation, cannot but consider the continuance of the present ministers as an insurmountable obstacle to His Majesty’s most gracious purpose to comply with their wishes, in the formation of such an administration as His Majesty, in concurrence with the unanimous resolution of this House, seems to think requisite in the present exigencies of the country ; they feel themselves bound to remain firm in the wish expressed to His Majesty, in their late humble address ; and do therefore find themselves obliged again to beseech His Majesty, that he would be graciously pleased to lay the foundation of a strong and stable Government by the previous removal of his present ministers.”

That was the way that such matters were pressed in the mother country. Such a course has not been followed of late years, for the best of reasons—the ministry does not require such manifestations of feeling ; they not only retire when found in a minority, but sometimes while they command a small majority, but feel the Opposition formidable. Pitt continued to hold the reins of government, because he and the Sovereign believed that the people were in favour of his administration, although the House of Commons for the time being were not. At the dissolution they obtained a majority, but if they had not they must have yielded. And in this country, if the Executive should think that the House did not truly represent the people, and that an appeal to the constituency would materially change the politics of the House, then it has a right to resist the pressure, to hold the position of Mr. Pitt, and to test the matter by a dissolution of the House. Does any man who knows the country—who recollects that there are no rotten boroughs here to negative the popular voice—believe that any, except very trifling changes, would arise from a dissolution of the House ? They cannot. In England the country was in favour of Mr. Pitt ; if it was not, neither he nor the Crown could have kept in that party for a day. The House is in the position to give the advice, included in the resolutions, to the Government, and the Government is bound to carry it out, unless they think that an appeal to the people would better their condition. I may be asked why I press the matter in this mode, instead of by an address to the Crown ? The reason is, that, fortunately, circumstances have changed recently ; there is now no occasion to proceed by address to Her Majesty ; the Governor of the Province has the power to afford the remedy sought. It is only necessary for that Assembly to place its opinions on record, and the Governor will be bound to act on them. In proof of this, I will turn to the despatch of Lord John Russell and trouble the House with an extract :

“You will understand and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty’s pleasure will not be regarded as equivalent to a tenure during good behaviour ; but that not only such officers will be called upon to retire from the public service as often

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as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of a Governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject of course to the future confirmation of the Sovereign. These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character and policy of the Government are directly concerned."

That does not provide for the continuance of officers during good behaviour, but makes a change consequent on the people fancying that mischief, not good, is the result of the executive policy. Judicial offices are not to be meddled with, and my resolutions do not attempt to touch any of the judges, or to affect any of the settled tribunals of the country. Heaven forbid that those should be ever disarranged—that they should ever depend on a vote of the House or on the will of the Crown. The character and policy of the Government is the touchstone, and we did not seek any other. After enumerating the officers who were to be affected by the despatch, the Colonial Secretary went on to say:—

"To this list of public functionaries must also be added, the members of the Council, especially in those colonies in which the Legislative and Executive Councils are distinct bodies."

What is the motive of the House but due regard for the public good? And why is the public good involved in the question? Because the House and the Council are opposed in many measures, and the harmony which seems essential to the public welfare cannot be obtained under present circumstances. In addition to the despatch, a circular has appeared in New Brunswick, from Sir John Harvey; and I would here say, that I do not think there was ever a Governor in a British Province that entered more heartily into the views of the Government which employed him, and was more desirous to do what he thought was for the good of the people, than Sir John Harvey.

Sir John at once confirmed the view now taken of the despatch, and understood it not only as increasing the responsibility to the Crown, but to the people also. If his Excellency of New Brunswick is right, there is a new Constitution on which the House may act—on which they may take the step proposed, and thus test the matter, and discover what view is entertained here on the subject, and whether in reality it is an improved Constitution—whether indeed on the colonies have been conferred the benefits of responsible government. It strikes me as curious that the despatch was received in a neighbouring colony as a new Constitution, and that a circular on the subject was sent to the officers of Government and was published in *The Royal Gazette*, while in Nova Scotia, as far as the public has the means of judging, no notice has been taken of the document. I cannot but regret that the example of Sir John Harvey has not been followed here, and that we have not got some clue to the views of the Executive. I do not wish to assert anything, nor even to insinuate, but to show the supposition which secrecy led to. Suppose that instead of a circular recom-

mending the despatch to notice, similar to that of Sir John Harvey, the executive government here had forwarded a remonstrance against it, might not that have been done? For all that the House knew, might not the despatch have been resisted on the very threshold, in this Province. It appears to me that the House cannot continue satisfied without testing this new Constitution,—without trying whether it really has been obtained. My opinion is that the despatch did give responsibility; that it bestowed all that was required by those who thought with me on the subject. In England there is no law by which ministers are bound to leave office; the Commons have nothing more than the Assembly would have if they passed the resolutions proposed, and if they should be acted on by the local government. If the resolutions pass, and if a good Government follows, as I believe it will, then an end will be put to that warfare between the Representative branch and the Executive, which has existed since my childhood.

The position in which the House has been, can be readily illustrated by a reference to the history of some of its members. I might tell the House that their Speaker, for a number of years, from his talents and eloquence, from the number of his friends, and his length of services as a representative, at one period representing three counties at a time, was in a position to have as much weight and as extensive influence as any man in Nova Scotia; but is that his experience? The reverse is notorious; and after the Brandy debate, in which he opposed a minority of three, had he not to go once or twice to England before he could secure that which had become his right,—the very office which he now holds? Although he was the favourite representative of Pictou, and to some extent of the whole Province, one or two persons in that town could be pointed out, who, though only a few weeks in the country, have more influence than the Speaker in his palmiest days. I might turn to the example of one who has chosen a path more smooth and flowery than that of politics,—the late member for Annapolis, Mr. Haliburton,—and what was his experience? That gentleman, while in the House, was in hostility to the Government of that day, and a certain gentleman of his county enjoyed all its influence, which was denied to one whom the people had elected and the House had sustained. I am reminded of another curious example; it is that of Mr. Stewart, now absent from the Province. He at one time was very popular in his county, and led majorities in the House; but who had the patronage of Cumberland? Who enjoyed the ear of Government? One who was known to hate that gentleman most cordially; I allude to the Hon. Mr. Morse. I do not refer to these examples for the purpose of exciting feeling, but for illustrations, which those on the other side—if there is another side, and I hope on this question there is not—will acknowledge to be just. Need I refer the Assembly to the example of the late Mr. Young? Who would refuse to do justice to the talents and abilities of that member of the House? He was conspicuous for intellectual superiority, and was the representative of a large county, yet when he made his highest efforts in this House, and at a time that he attracted most admiration by his luminous essays there, twenty boys on the streets of the capital could

CHAP. VII be pointed out, who had much more influence than he could command. These
— are past illustrations of the system.

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The committee, however, may ask, is the course now proposed safe and without risk? I acknowledge that there is one risk, and I warned them of it. There is no danger of collision with the Governor in passing the resolutions; they are in accordance with a constitutional course, and do not infringe any prerogative of the representative of the Crown. There is no fear of any collision with the Legislative Council, for that body is not even alluded to in the resolutions. There is one risk, nevertheless, and I will state it frankly. There is a risk that the Government may take a stand in opposition to the House—may say that we do not represent the people of Nova Scotia; that although the supporters of the resolution are a majority in the House, they do not represent a majority of the country, and therefore, as soon as the session closes, the House may be dissolved. That is the risk, and the only one, and I inquire whether we are prepared to encounter it? Shall I be told that the body which passed the Quadrennial Bill three times are afraid, under that penalty, of passing the resolutions now proposed? If a dissolution should follow, I for one will cheerfully appeal to my constituents. There may be much ignorance in the Province, but I believe that the people well understand this question. I will proceed firmly in the endeavour to procure a good Government, and will say on the hustings, that the majority have done their duty as far as they could—that they have made what attempts were in their power to improve the institutions of the country; and that the question is now referred to the people, who are called on to decide who are right and who wrong in the matter. I would pass those resolutions, if certain of being thrown back into private life. I would rather do my duty and pass them, than be here and be afraid to pass them. If I, indeed, were the agitator which some declare me to be, if I were disposed to perpetuate evil instead of doing good, I would that not one of the resolutions should pass; for it is as certain as that we sit here, that so long as the present form of government continues, so long will the country be the fit theatre for demagogues, and hold out temptations to agitators, which I am most anxious to remove. I look for the final settlement of measures which cause discord and for the combined action of the Legislature, from which public strength, and improvement, and prosperity will proceed.

I might refer for a moment to the charge of personal ambition that will be made against myself, as that may be said to be my chief or only object in urging these measures. I will answer before the House and the country that if even that were the case, I have a right to cultivate proper ambition as well as other men. I have a right to win and to enjoy any office under the Crown to which I own allegiance; and as long as I do so, properly, and without any sacrifice of duty, no one has a right to complain. On a former occasion I was offered a seat in the Councils, and, more recently, his Excellency did me the honour to say that he had recommended me to fill a vacancy that had occurred.

On this occasion I feel bound to say, that if I were honoured with the Queen's mandamus, I should have to return it to his Excellency, with a public letter, stating that it would be vain for me to attempt to go into any administration where I should have to act over again the farce of the honourable gentleman from Yarmouth,—to become one of a body whose whole current is hostile to the wishes of the House which supports the policy that I avow. I thus explain to the House, because I have no secrets to conceal; I would take a seat anywhere in an honourable manner, if sanctioned by that Assembly, but I regard as of the first consequence the confidence of this House, the respect of those who have so long acted with me, and in whose hands I am to-day. I regard too much the manly hostility of the gentlemen who usually oppose me, and whose taunts I should meet and deserve, if I sold the confidence of the Assembly for any place of honour whatsoever. I do not say that I would not take a seat such as that alluded to, but I would only accept of the honour if my acceptance were sanctioned by the House, and on the condition, that so soon as the House should express any want of confidence I would resign. Last year, when the delegation question was introduced, fearing that any supposition of my wishing to be appointed would be an obstacle to my advocacy of the measure, I declared that nothing should induce me to be one of the delegates. If it is necessary for the passage of these resolutions, I will make a similar declaration this day, and will pledge myself that I will not take any seat or place, not only under the present Government, but during my life. If the House desire such a pledge I will give it, and I only refrain from doing so, because I believe that they do not, and that they have confidence in my integrity.

I trust that on this question all considerations of petty ambition, all past bickering and all jealous feeling, will be merged, and that men of all parties will unite to give a constitution to our country. What signifies the little distinction that the word "honourable" can confer; what is the ambition of filling even the chair of this House, to any Nova Scotian, compared to the honour of being instrumental in conferring on his country the just principles of the British Constitution? I trust that contending opinions will be set aside in passing this measure, and that none will be found persisting in opposition. The arrangement of this important matter will indeed still leave some cause of struggle, but it will be the struggle of parties to see which shall influence the discussions of the House and obtain the majority and act on the Government as in England. Where there was most of such discussions, there the most active spirit of liberty pervaded the land. Then they would not have to deal with organic changes;—with the framework of institutions. The man who builds a house which satisfies him, has business to attend to within it; and although he may repair it occasionally, he does not meddle with its foundation, or pull its frame to pieces—that will be the situation of this Legislature on the settlement of this matter. I hope their legislation will resemble the course of a mighty stream, which foams and dashes over the obstructions which it meets

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in its descent from the mountain side, but when it gains the valley sweeps on in majestic calmness, enriching and beautifying all around.

If I had the eloquence which I desire and which is so necessary for the occasion, and that might be more influential in inducing the passage of the resolutions, I would have acquitted myself very differently this day. Would that my lips were touched with fire from heaven, which should descend into the bosoms of my hearers, and there excite a spirit of unanimity and patriotism, which would lead them to erect a fabric in which their posterity might find ample room, and freedom and happiness. If I have failed in my arguments, if the House require more, I would tell them to go for them to the mother country, to merry England—see the veneration that is there paid to the great names of those who achieved and transmitted the principles which I to-day advocate. Let them look to Ireland, and behold the evils that arose there from the application of different principles up to the administration of Lord Normanby. But now, when a more rational system pervaded that country, it not only sent troops to Canada, and offered to divest itself of the military when they were needed elsewhere, but even proposed to raise almost any number of men that could be required, for the purpose of keeping in order the reckless and turbulent in other parts of the kingdom. Would it not be wise to settle this matter for Nova Scotia? The other colonies would follow her example, and one after the other would adopt these rational and beneficial institutions. I would feel proud and happy that the commencement of these great changes should be laid here and that they should extend into all the British dependencies. If I wished to operate on your feelings, and to add force to my arguments, I might do so; I might tell you you had arguments beneath your own roofs. Should it be said that the wives you hold to your bosoms only embraced the semblance of Britons,—men divested of the most valuable rights of British subjects? Can you look at your children, and fail to appreciate the position in which they might be placed? Reject the resolutions, allow the old system to continue, and what would be the result? Your posterity would have on one side the rebellious of Canada, and on the other the republicans of the United States, while neither peace, nor security, nor strength was within their own borders.

But, if these resolutions were passed—if that precedent of good British government were set for the other colonies; if none could stand up to administer the government without enjoying the confidence of the country, I believe the effect would be peace and prosperity. Looking at the results of this state of things, I feel inclined to say, give us this noble fabric—give us what is the distinguishing characteristic of the British Constitution—give us the fierce democracy combined with the strong executive—give us that under which our fathers prospered in the mother country—give us that which was so bright an example to Europe, and which Europe in vain endeavoured to equal—and all fears for the future state of the Province would be dissipated. In England the principle flourished, but, looking across at France, what do we

see? Louis Philippe contending for the principles on which the local government of Nova Scotia has been acting, and declaring, in practice, that he is the only minister in his kingdom. In England we see a little girl, whom I am proud to call my Sovereign, wielding a firm sceptre. Were it not for the noble constitutional forms that called her to the throne—were it not for the fine and manly feelings of the nation which sustain her authority, what power has that girl to control the millions of her empire? There she lives, proud, respected, happy,—fearlessly walking the parks and streets among her people,—while, if you crossed the channel, you would see the palace of the monarch almost in a state of siege, his chamber surrounded by guards, and his metropolis like a garrison in an enemy's country. Why is this? Because that Sovereign thinks fit to act on the principle pursued so long by the local government of Nova Scotia. If the House feels disposed to follow the French example, and to repudiate the example of their brethren at home, then let them reject the resolutions. But if they take a different view, and if all parties come forward to give their sanction to the British principle, and to secure that which is their inheritance as Britons, in what position then will their posterity be? The sympathisers might come from the West; the slaves might rise in the South; the Canadians in the North might menace, but let this constitution be possessed, let its invigorating and healing influence pervade the land, and I would be inclined to say, with Sir Francis Bond Head: "Let them come if they dare." Yield this boon, and half the soldiers may be drawn from the colonies, and as we increase in population, we may strengthen our form of government, which will, like the atmosphere, yield to every necessary pressure, preserve the balance of liberty, and yet expand with the growth of our posterity down to remote generations. If the present lame system is not overturned, there will be no security; if it be overturned, the present generation may pass away when their labour is over, knowing that the boys who are springing up to take their places will not have these annoying struggles to endure, but will possess a Government not eclipsed by any on earth. The republic may split up into fragments, but we will leave our posterity secure in good government and safe, although perhaps surrounded by a hostile people. If the system desired has protected our ancestors, why shall it not be a shield to our children, and if it will, shall we not provide it for them with religious assiduity?

I thank the House for the attention paid to my long address. If, in it, I have said aught that unnecessarily grated on any man's ears, I withdraw the unintentional offence before resuming my seat. I look on this question as of vital importance, as of most grave character, and I would not cumber it with arguments or allusions which I do not deem essential for its support and illustration.

The debates, which commenced on Monday, continued until Wednesday night, by which time it was admitted on all hands that

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the existing system of government was utterly indefensible; that the despatch of Lord John Russell, as interpreted by the Governor-General and Sir John Harvey, did give a new and improved constitution to the colonies, and that Nova Scotia ought to claim her right to participate in the advantages of the constitution without delay. Not only were these views sustained by the large majority of thirty to twelve, who voted for the passage of the resolutions, but they were frankly admitted to be just by the Hon. Mr. J. B. Uniacke, who withdrew from the division, and by Mr. C. R. Fairbanks, who voted against them. The debate throughout was remarkable for moderation and firmness, and the division was of a character not to be misunderstood.

On Monday at one o'clock, the time appointed by the Governor, the whole House went up with the resolutions and a short address, recommending them to the favourable consideration of his Excellency, and received from Sir Colin Campbell the following answer :

Mr. Speaker, and Gentlemen of the House of Assembly,—The subject you have presented to my consideration in this address, has, in all essential respects, been already brought under the notice of Her Majesty's Government in resolutions of the House of Assembly passed in its last session.

Her Majesty's ministers, after full consideration of the subject and personal conference with delegates from your body, authorized to advocate your views, have expressed in the despatch which, by Her Majesty's command, I recently laid before you, the judgment to which they had come on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's Government in this respect, I do not feel myself at liberty to adopt any other course than to refer you to the despatch already alluded to as containing their decision. Justice, however, to the Executive Council, leads me to say that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province.

On the return of the House to their own chamber, the Hon. J. B. Uniacke rose and stated that, yielding to the expressed opinion of the representative branch, and being desirous of facilitating the introduction of a better system, he had thought it his duty to the House and to Sir Colin Campbell to tender his resignation of the seat he held as an Executive Councillor, and that his resignation had been accepted. He then referred to the attacks which had been

made upon him by his enemies and by his friends for his frank admission in the debate of the absurdity of the present system and the necessity for a change; but declared that neither should deter him from giving efficacy to what he believed to be the intention of Her Majesty's Government, nor from giving his support to the principles of Lord John Russell's despatch, and establishing a local government that should be responsible to, and work harmoniously with, the representative branch. He then traced back his conduct as a public man, vindicating its consistency, but declared that, as he had supported the Government against the Assembly when he believed the latter were wrong, he would not continue to deny to the people what the Government had evidently yielded, nor contend further against the House when he was convinced that in principle they were right.

When Mr. Uniacke sat down, Mr. Howe rose¹ and congratulated the House on the result of their deliberations. Though it was evident from the Governor's reply that there was a majority of the Executive Council determined to cling to their seats and to stave off for a moment the fate which awaited them; still, from that hour, they might date the establishment of the principles for which they had been contending and of a constitution of which no power on earth could now deprive them. The resignation of the honourable and learned gentleman from Cape Breton did him the highest honour; in fact, nothing in the Executive Council "became him like the leaving of it." Henceforward, no member of that House could continue to hold a seat in the Executive Council in hostility to the wishes of the House; and no man could ascend the hustings unless pledged to carry out the great principles upon which he was happy that the learned gentleman and himself, who had been long opposed, now agreed. He paid a just compliment to the vigour and ability which that gentleman had always displayed; and contrasted his conduct with that of the men who, while they had relied upon him for their defence, now wished to sacrifice him in support of a rotten system, which the Government itself had abandoned.

Mr. Howe, irritated no doubt by Sir Colin Campbell's reply, gave notice that he would move an address to the Governor-General. On reflection, he moved for the discharge of the order of the day, for going into committee to address the Governor-General, and submitted the following address. He stated that his reason for doing so was, that he was anxious before proceeding to adopt measures

¹ On February 12, 1840.

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by which a direct censure would be cast upon his Excellency Sir Colin Campbell, to exhaust every means within the Province to obtain satisfaction, without resorting to that ulterior step which, if the Executive Councillors were determined to provoke it, must ultimately be adopted. The House had done all they could in the struggles of the past four years to save his Excellency's feelings; they were disposed to do so still, and this further step might be taken as a renewed evidence of that policy; it would give those who still clung to power, in the face of the deliberate condemnation of the Assembly, an opportunity to reflect, and decide whether they would or would not determine that the Governor should be sacrificed to shelter them.

To HIS EXCELLENCY LIEUTENANT-GENERAL SIR COLIN CAMPBELL, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c.

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN
GENERAL ASSEMBLY

May it please your Excellency,—We, Her Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply made by your Excellency to the resolutions passed by a large majority of this House on the 5th instant.

It is true, that some of the complaints urged in those resolutions had been pressed upon the attention of Her Majesty's Government in former communications; but we humbly conceive that the despatch of Lord John Russell, dated 16th of October, and not that of his predecessor in office, dated 31st of August, to which your Excellency refers, is the one by which all parties in the colonies, now and hereafter, are to be governed. We believe that that despatch not only gives to your Excellency the power to remodel the Executive Council, but makes such changes as are required, to ensure harmony between the executive and legislative branches of the government, imperative.

This House are at a loss to conceive any "motives of public policy" more "sufficient" to render an application of the principles of that despatch to this Province advisable, than the facts, that a majority of thirty to twelve of the members of the representative branch have avowed their want of confidence in officers, expressly referred to by the Colonial Secretary,—that they have declared it impossible to deal wisely with measures of great importance to the government and the country, until confidence between the Executive and the Legislature be established; and that, while the only efficient representative of

the local government, in this House, has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government, while a majority of the Executive Council persist in retaining their seats, and your Excellency declines to exercise the powers confided by Lord John Russell's despatch.

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It is to this House a subject of deep mortification, that while, in a neighbouring Province, his Excellency Sir John Harvey recognizes the despatch of the 16th of October as conferring a new and improved constitution on the colonies and has expressed his determination to act upon it,—while in Canada the Governor-General declares that “he has received Her Majesty's commands to administer the government of these Provinces in accordance with the well-understood wishes and interests of the people and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them,” that the people of Nova Scotia are to be treated worse than the people of New Brunswick; and that, under cover of a despatch, written before the new policy was adopted, by a nobleman who no longer presides over the colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution, than those which have been promulgated for the government of a Province but recently agitated by disaffection and rebellion.

Should your Excellency, upon reconsidering this subject, upon referring to the Governor-General's message of the 14th of January, in which he declares “his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced,” still feel compelled to disappoint the just hopes of the people of Nova Scotia, this House will feel unfeigned sorrow; but, in the meantime, they trust they need not assure your Excellency of their desire to preserve the tranquillity of the Province and to ensure the harmonious action of the different branches of the Government.

The address was passed, after some debate, the numbers being twenty-nine to ten.

The lesson was however lost—the warning was thrown away. The following answer was returned :

Mr. Speaker, and Gentlemen of the House of Assembly,—I have given to this address the deep consideration to which the opinions of the representatives of the people are justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the colonial constitution, which I cannot certainly discover to have been designed by the despatch of the Right Honourable the Secretary of State for the Colonies, of the 16th of October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my Sovereign, I feel it my duty not to establish a principle involving consequences of deep moment,

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It is therefore my intention immediately to bring to the notice of Her Majesty's Government, the addresses and resolutions you have lately passed on the subject.

In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt which, in my judgment, are calculated to promote the welfare of Her Majesty's loyal subjects, the people of this Province, whom you represent.

The patience of the reformers was now entirely exhausted, and on the return of the members to their chamber, Mr. Herbert Huntington gave notice that, after the business of the session was despatched, he would move an address or resolution, requesting the Sovereign to remove Sir Colin Campbell and send out a Governor who would carry out the liberal views of the Home Government. Messrs. Young, Howe, and others acknowledged that there was nothing else left; if the Governor would not be allowed to act upon the plain and evident construction of the despatches, they must take the final step, however painful, and establish the constitution. This seemed to be the general impression, and the subject was dropped, with the understanding that, after the business was brought to a close, an address to the Crown would be moved.

We have explained that Mr. J. B. Uniacke, the leader of the Government in the Lower House, had resigned his seat in the Executive Council. Had his example been followed by his colleagues, there would have been a reconstruction of the Council; the power of the House would have been asserted and acknowledged; the vital principle of responsible government would have been infused into the system as fully in 1840, as it was, after struggles which all regret, at a later period. But the leader's example was not followed. The other members of the Council—for Cabinet it was not—refused to resign, and preferred that the Governor should be sacrificed rather than that he should be surrounded by advisers commanding a majority in Parliament.

On the 5th of March Mr. Uniacke addressed a letter to the freeholders of Cape Breton, giving to his constituents his reasons for resigning. It is as curious now, as it was gratifying then, to discover in this document the earliest recognition, by a conspicuous public man, recently clothed with Executive authority, of the substantial power of the people—of the right of Parliament to control the administration of public affairs.

Before I enter [said Mr. UNIACKE] into the great question which now agitates the whole British colonies, I must state some of the minor reasons which have induced me to take this step. I felt that, whatever course other members of Her Majesty's Council might adopt, as a member of the Assembly, I owed it to the House to come out from a body which had been politically condemned by such an overwhelming majority. In vain should I have attempted to stem such a torrent of political disapprobation, and I paid what I considered a due and becoming deference to the House, without for a moment admitting the propriety of the resolutions it had adopted and passed. Another reason was, that I felt it quite impossible to continue in a Council, the measures of which were attacked, without being at liberty to declare and justify the advice I might have offered to the Governor, and to be considered a responsible adviser of the Crown, before any principle of responsibility had been either admitted or defined. These two reasons would have been sufficient, in my opinion, without any other, to justify me in the course I have pursued; the first regarded the House, the second had reference to my own public character and my feelings as a gentleman.

By the amendment moved on the address of the House of Assembly, the principle is admitted by the whole House, and the majority of the House, three to one, have determined the meaning of this despatch; therefore, whether I am right or wrong, at least I have the consolation to reflect, that I am supported, both by the representatives of the people, and by those who are placed in authority over us. The Governor-General says, that he has Her Majesty's commands to pay a due deference to the well-understood wishes of the people of the Province, as expressed by their representatives; and am I, one of that body, not to do so? Bending with veneration at the foot of the British throne, I shall not be found, without the gravest necessity, to disobey the commands of my Sovereign. I feel, in paying the deference I have done to the House, that I am submitting not only to my own feelings, but also evincing a loyal reverence to the will of the Queen. It is not for me to say that the House of Assembly do not fairly represent the Province. Let those who think so ascend the hustings, and then, perhaps, they may be considered more at liberty to speak upon the subject.

A new constitution has been conferred upon the colonies, and it is the solemn duty of all to combine in carrying out the measures which may be necessary to promote the great interests which this constitution will most effectually protect. This is but the extension to the colonies of the British Constitution; and while Nova Scotians feel that they have deserved it, and will pride themselves on its possession, they all know that there is no other flag on earth that can support that glorious constitution, either at home or abroad; and that only in the hour of death, if even then, will their grasp of that standard be relinquished.

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Mr. Uniacke's conduct, at this period, won Mr. Howe's entire respect, and obliterated the recollection of former differences of opinion. They soon after became colleagues. They retired together in 1844, and went back into the same administration in 1848, their political confidence and personal attachment being still unimpaired. They served together till 1854, when Mr. Uniacke retired to the Land Office, and Mr. Howe became chairman of the Railway Board.¹

While this struggle was going on in Nova Scotia, the principles advocated by Mr. Howe and his friends were steadily making way in

¹ The following eloquent eulogium on his friend was pronounced by Mr. Howe in the Legislature on March 31, 1858, a few days after Mr. Uniacke's death:

Had the Provincial Secretary (Hon. Dr. Tupper) honoured me only with his notice, I should not, perhaps, have addressed the House again. But he has defamed other gentlemen, who are not here to defend themselves. Among them one, who, for many reasons, might have been spared. Sir, a more able, honourable, and distinguished man never graced the floor of this Assembly, than my late lamented friend, the Honourable James Boyle Uniacke. His noble form, easy deportment, graceful manners, and ready flow of language, are familiar to many who listen to me to-day. No man who ever grappled with him, as I did in the early part of my life, would under-estimate his powers. A mind ever fruitful, a tongue ever eloquent, humour inexhaustible, and pathos which few could resist, were among the gifts or attainments of my honourable friend. His colloquial powers were even more marvellous than his forensic or parliamentary displays. He charmed the Senate by his eloquence; but how delightful was he when surrounded by a knot of friends, beneath the gallery or seated at the head of his own hospitable board. How often have I thought, when meeting abroad the choice spirits of both continents, how rare it was to find a man in all respects a match for James Boyle Uniacke. But he was not only distinguished as a legislator. His means and his intellect were embarked in every enterprise which promised the advancement of the common interest, or the growth of public spirit. He took an active part in the introduction of gas and water into this city, and was president of both companies for a time. He built the Penitentiary with grants carried through this House by his influence. He aided us in developing and practically working the new constitution; and he gave to the great public works now in progress his steady support.

Such was the man, sir, to whom, and to the management of whose department, foul language has been applied here by members of the Government, even at the very moment when my honourable and learned friend was in the agonies of death. The Sepoy and the savage, it is true, torture their victims in that hour, but a Christian warrior turns from them with disgust or slays them for their barbarity. The hawk and the kite may peck out the eyes of the noble steed who has run his course, even while the heart is still palpitating and the blood is warm. What shall I say of such foul birds as the Provincial Secretary and the honourable member for Victoria, who have settled upon the reputation of my departed friend, even while his great heart was breaking and his noble spirit was winging its upward flight? What need be said? We all knew him, and we know them. A serpent may crawl over the statue of Apollo, but the beautiful proportions of the marble will yet be seen beneath the slime. That my friend may have had his errors, I am not here to deny; but I rejoice that, whatever they were, God in His infinite mercy, and not man in his malignity, is hereafter to be his judge.

the Province of New Brunswick. The two colonies, separated only by an imaginary line, are essentially one. In origin, political and social aspects, and material interests, there are few contrasts to note. Lord John Russell's despatch, having been laid before the House of Assembly of New Brunswick early in March, a minority of thirteen was got to vote for the following resolution:

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Whereas, The avowed object of convening this branch of the Legislature is to make statutes and ordinances for, and to advise the Executive Government in, all questions affecting the peace, welfare, and good government of the inhabitants of this Province: *And whereas*, The exercise of all Executive functions should be controlled and directed with a special view to the attainment of the same objects: *And whereas*, This committee cannot waive or forego the inherent right of this branch of the Government to advise and assist in such control and direction, and to remonstrate against the abusive exercise of those functions:

Therefore Resolved, As the opinion of this committee, that the House should view the despatch in question as distinctly recognizing an efficient responsibility on the part of Executive officers to the Representative branch of the Provincial Government.

The old influences were as yet too strong, and the following droll expression of opinion was carried by a majority of two:

Resolved, As the opinion of this committee, that there is nothing in the despatch of the Right Honourable Lord John Russell, now under consideration, to call forth any expression from the House on the subject of colonial government; and that, in the event of any occurrence taking place to disturb the present happy political state of the Province, the House cannot but entertain the opinion, that any legal and dutiful representations which they may have occasion to lay at the foot of the throne, will receive, as they have always done, the royal consideration.

Lord John Russell's despatch, of the 14th of October 1839, appeared in the Provinces about this time. Though his Lordship suggested and reasoned upon cases in which the power of a popular majority might be abused, or in which it might become necessary for the Crown to maintain the prerogative, upon the whole the language of this despatch was satisfactory, and strengthened and confirmed the position maintained by the Nova Scotian reformers.

On the 25th of March, Mr. Howe moved the following address to the Crown, which was carried, after a sharp debate, by majorities

CHAP. VII varying upon the clauses from twenty-eight to fourteen and twenty-
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TO THE QUEEN'S MOST EXCELLENT MAJESTY

*The Humble Address of the House of Assembly of the Province of
Nova Scotia*

We, your Majesty's dutiful and loyal subjects, the Representatives of your loyal Province of Nova Scotia, are reluctantly compelled again to approach your Majesty with a statement of grievances, which, while they have been annually, during the last three years, laid at the foot of the throne, still remain unredressed.

The chief cause of all the evils of which the British North American colonies have complained has been the want of harmony between the Executive and the Representative branches of the Government. The state to which this Province had been brought by the Official Compact, who had, for many years, monopolized all the power and patronage within it, was fully disclosed by this House in 1837. Your Majesty at once recognized the justice of our complaints, and gave positive orders to your representative in the colony to obviate the possibility of their recurrence, by calling around him, into the Executive and Legislative Councils, those who possessed the confidence of the country.

Had this been done and had your Majesty's commands, conveyed in the despatches of Lord Glenelg, been executed by the Lieutenant-Governor, the hopes they raised among an intelligent and loyal population would have been realised ; and your Majesty would not have been, at this time, called upon to vindicate your high authority and do justice to your people, between whom and your royal favour subordinate functionaries have hitherto interposed.

In almost every essential particular, the principles laid down by Lord Glenelg in 1837 were violated by Sir Colin Campbell ; and directions, too plainly expressed to admit of their being misunderstood, were either overlooked, or so perverted, as to strengthen and consolidate the power of the small and exclusive party, of whose acts and dangerous ascendancy the representatives of the people had complained.

This Assembly, being most anxious to avoid any appearance of disrespect to your Majesty's representative, did not, in their subsequent remonstrances, venture to attribute this daring violation of your Majesty's express commands to his Excellency the Lieutenant-Governor. They charged it, as they conceived they had a right to do, upon his advisers ; and they sympathized with an officer, surrounded by a Council and heads of departments who, their tenure of office being permanent under the colonial constitutions as then understood, had nothing to fear, and everything to hope, from sacrificing his reputation to protect their own emoluments and power.

Your Majesty will, therefore, readily conceive with what delight and satisfaction this House read the despatch of Lord John Russell, of the 16th of October, by which the power was given to the Lieutenant-Governor to shake himself free of the influences by which he had been trammelled. They recognized in that document no new and dangerous experiment, but a recurrence to the only principles upon which colonial governments can be safely carried on. They saw that while great powers were to be confided—while an unlimited range of selection was to be given to the Lieutenant-Governor, in order to make the exercise of the prerogative most beneficial and satisfactory to the people, he was to be held responsible to the Sovereign for the tranquillity of the colony committed to his charge, and for the harmonious action of the Executive and Legislative branches of the Government.

In order, therefore, that his Excellency Sir Colin Campbell might, without unnecessary delay, exercise the powers confided for the redress of grievances of which this House had so frequently complained, we passed, on the 5th of February last, the following resolutions, which were presented to his Excellency on the 10th :

Resolved, That it is the opinion of this committee that for many years the best interests of this Province have been jeopardized and its progress retarded by the want of harmony between the different branches of the Government and the absence of that cordial co-operation between the representatives of the people and those who conducted the local administration, which, in the view of this House, is highly desirable, if not indispensable, in every British colony to which a Constitution, modelled after that of the mother country, has been granted by the Crown.

Resolved, That it is the opinion of this committee that during the struggle which, since 1837, this House has maintained, with a view to reduce the expenses, improve the institutions, and purify the administration of the country, it has been met at every step by an influence which, while it was beyond the control of this Assembly, has wielded the whole power and patronage of the Government, to baffle its efforts and thwart the wise and benevolent policy avowed by Her Majesty's ministers.

Resolved, That it is the opinion of this committee, that in approaching many of the important questions to be disposed of in the present session, the House of Assembly feels embarrassment and difficulty which it would be unwise to conceal either from the Government or the country at large; and that it can anticipate no satisfactory settlement of those questions until the Executive Council is so remodelled as to secure to this House the aid of the local administration in carrying out the views of this Assembly and in facilitating any negotiations which it may be necessary to conduct with Her Majesty's Government.

Resolved, That it is the opinion of this committee, that the House of Assembly after mature and calm deliberation, weary of seeing the revenues of the country and the time of its representatives wasted, the people of

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Nova Scotia misrepresented to the Sovereign, and the gracious boons of the Sovereign marred in their transmission to the people, do now solemnly declare that the Executive Council, as at present constituted, does not enjoy the confidence of the Commons.

The following answer was returned :

Mr. Speaker, and Gentlemen of the House of Assembly,—The subject you have presented to my consideration in this address has in all essential respects been already brought under the notice of Her Majesty's Government, in resolutions of the House of Assembly passed in its last session.

Her Majesty's ministers, after full consideration of the subject and personal conference with delegates from your body authorized to advocate your views, have expressed in the despatch which by Her Majesty's command I recently laid before you, the judgment to which they had come on the matters of your complaints.

Having no reason to believe that any alteration has taken place in the sentiments of Her Majesty's Government in this respect, I do not feel myself at liberty to adopt any other course than to refer you to the despatch already alluded to, as containing their decision.

Justice, however, to the Executive Council, leads me to say that I have had every reason to be satisfied with the advice and assistance which they have at all times afforded me.

It has ever been, and shall continue to be, my earnest desire to concur in every measure which appears to me to be conducive to the best interests of this Province.

Astonished and grieved that, while no notice had been taken by his Excellency of Lord John Russell's despatch or of other public documents, illustrative of the wise policy announced by the new Colonial Secretary, reference only had been made to a despatch of a prior date, breathing a different spirit, and written by a nobleman who had retired from the Colonial Office, this House called his Excellency's attention to those important papers in the following address :

TO HIS EXCELLENCY LIEUTENANT-GENERAL SIR COLIN CAMPBELL, *Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor, and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c., &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF REPRESENTATIVES IN
GENERAL ASSEMBLY

May it please your Excellency,—We, Her Majesty's dutiful and loyal subjects, the representatives of the Province of Nova Scotia, cannot but express our unfeigned regret at the tenor of the reply made by your Excellency

to the resolutions passed by a large majority of this House, on the 5th instant. CHAP. VII

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It is true that some of the complaints urged in those resolutions had been pressed upon the attention of Her Majesty's Government in former communications; but we humbly conceive that the despatch of Lord John Russell, dated 16th October, and not that of his predecessor in office, dated 31st of August, to which your Excellency refers, is the one by which all parties in the colonies, now and hereafter, are to be governed. We believe that that despatch not only gives to your Excellency the power to remodel the Executive Council, but makes such changes as are required to ensure harmony between the Executive and Legislative branches of the Government, imperative.

This House are at a loss to conceive any "motives of public policy" more "sufficient" to render an application of the principles of that despatch to this Province advisable, than the facts that thirty to twelve of the members of the representative branch have avowed their want of confidence in officers expressly referred to by the Colonial Secretary; that they have declared it impossible to deal wisely with measures of great importance to the Government and the country, until confidence between the Executive and the Legislature be established; and that, while the only efficient representative of the local government in this House has resigned his seat, no man of any influence in this Assembly can be found to devote his talents to the service of the Government while a majority of the Executive Council persist in retaining their seats and your Excellency declines to exercise the powers confided by Lord John Russell's despatch.

It is to this House a subject of deep mortification that while in a neighbouring Province his Excellency Sir John Harvey recognizes the despatch of the 16th October, as conferring a new and improved constitution on the colonies and has expressed his determination to act upon it; while in Canada the Governor-General declares that "he has received Her Majesty's commands to administer the government of these provinces in accordance with the well-understood wishes and interests of the people and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them," that the people of Nova Scotia are to be treated worse than the people of New Brunswick; and that, under cover of a despatch, written before the new policy was adopted, by a nobleman who no longer presides over the colonies, principles are to be applied to Nova Scotia, whose allegiance is unsullied, less in accordance with the spirit and practice of the British Constitution than those which have been promulgated for the government of a province but recently agitated by disaffection and rebellion.

Should your Excellency, upon reconsidering this subject, upon referring to the Governor-General's message of the 14th January, in which he declares "his earnest and anxious desire to discharge the trust committed to him in accordance with the principles announced," still feel compelled to disappoint the hopes of the people of Nova Scotia, this House will feel unfeigned sorrow;

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but in the meantime, they trust they need not assure your Excellency of their desire to preserve the tranquillity of the Province and to ensure the harmonious action of the different branches of the Government.

The following answer was given :

Mr. Speaker and Gentlemen of the House of Assembly,—I have given to this address the deep consideration to which the opinion of the representatives of the people is justly entitled.

By adopting the course you suggest, I should practically recognize a fundamental change in the colonial constitution, which I cannot certainly discover to have been designed by the despatch of the Right Honourable the Secretary of State for the Colonies, of the 16th of October, in the manner and to the extent supposed by you.

In exercising the solemn trust committed to me by my Sovereign, I feel it my duty not to establish a principle involving consequences of deep moment, on which any uncertainty rests, until Her Majesty's ministers shall have been consulted, and the judgment of the Queen ascertained.

It is therefore my intention, immediately to bring to the notice of Her Majesty's Government, the addresses and resolutions you have lately passed on the subject.

In the meantime, I shall be constantly ready to yield my concurrence to any measures you may adopt, which in my judgment are calculated to promote the welfare of Her Majesty's loyal subjects, the people of this Province, whom you represent.

This reply, the Assembly are most reluctant to avow, withered all the hopes which they had cherished. It told them that the officer who had violated the plain letter and spirit of Lord Glenelg's despatches in 1837, was determined either not to understand or not to act on the despatch of Lord John Russell, and convinced them that the views of your Majesty's Government would never be carried out by officers hostile to its policy and who, when commanded to call around them those who possessed the confidence of the people, were determined to persist in governing by the aid of those in whom the people had no confidence.

If up to the period when their final remonstrance was made to Sir Colin Campbell, this House conceived that there was reason for dissatisfaction and distrust, the recent appointments to the Legislative and Executive Councils have furnished further evidence of a determination to perpetuate the system of which this House has so frequently complained. To some of the appointments to the Legislative Council, grave objections might be urged ; while in the appointment to the Executive Council, the House recognize a studious determination to pass over every man possessing influence, and enjoying the confidence of the people, to do honour to an individual of whose political conduct this House will not trust itself to speak, but who certainly cannot

bring to the aid of a government which has been for years in a minority, the smallest portion of influence in the Commons.

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This House, notwithstanding these gross violations of the sound principle laid down by your Majesty for the government of British North America, have made ample provision for all branches of the public service and for carrying out what they believe to be the policy of the Imperial Parliament, in order to bind in closer connection with each other and with the parent state, your Majesty's colonies on this continent. They have not even declined to grant a sum, drawn in violation of their privileges, by your Majesty's representative. But these supplies have been voted because the representatives of the people of Nova Scotia confidently relied upon the justice and firmness of their Sovereign. This House is most reluctant to believe that your Majesty will turn a deaf ear to the complaints of your people,—that while the Governor-General has been told that there is “no surer way of earning the approbation of the Queen than by maintaining the harmony of the Executive with the Legislative authorities,” a different rule will be permitted to prevail in Nova Scotia; or that the favour of the Crown will be extended in one Province to a policy the very reverse of that laid down for the government of another.

It is true that Nova Scotia is a small colony and that your Majesty may, if you see fit, govern it by the strong hand of power, relying in no degree upon the affectionate attachment of its inhabitants, but it is also true, that in no portion of your Majesty's dominions, are the powers of the Crown and the rights of the people better understood; and in none is there a more determined spirit of resistance, by all constitutional means, to a system of government founded on mere favouritism or injustice. From the position the people of Nova Scotia occupy in the centre of the lower colonies, and availing themselves of the influence which their loyalty, their intelligence, their firmness and their moderation, have acquired for them among the population of British North America, they will never cease to appeal to the public opinion around them, to contend against that system, and to vindicate and assert by every means in their power their rights as British subjects.

That your Majesty will join with this House in obviating the necessity for such appeals; that you will repress these absurd attempts to govern Provinces by the aid and for the exclusive benefit of minorities, this Assembly confidently believe; and in asking your Majesty to remove Sir Colin Campbell and send to Nova Scotia a Governor who will not only represent the Crown, but carry out its policy with firmness and good faith, the representatives of Nova Scotia perform a painful duty to their Sovereign and to their constituents, but recommend the only remedy which they fear can now be applied to establish harmony between the Executive and Legislature of this Province.

The newspapers of the period do not contain a report of the debate on this address. It was an extreme step. Sir Colin Campbell was a fine old soldier, who had distinguished himself under Wellington

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in many a stern encounter. His manners were frank and social. He had no personal enemies even among those who opposed his government. He had many friends who would resent what now began to assume the appearance of a personal attack. Besides, there was great danger that many moderate persons, who had hitherto taken but little part in politics, but whose sympathies were with the Reformers, might be startled at this extreme step, and throw their weight into the opposite scale. These considerations weighed upon the minds of the Reformers at this period. One or two members who usually voted with the Opposition, went over to the Government. One or two shrank from voting for the recall. Five-and-twenty stern men, however, with Mr. Howe at their head, voted for the whole address, and the contest was at once transferred from the halls of legislation to the shire towns of the Province.

It was customary for many years for his political opponents to call Mr. Howe an agitator. It is a curious fact that they set him the example, and that, up to this period, though several meetings had been convened at Annapolis and elsewhere, to condemn his policy, he had scarcely ever attended one for any purpose, outside of Halifax.

No sooner had the address asking for Sir Colin's recall passed, than requisitions were signed and meetings held in various places to sustain that officer. The first attempt at agitation against the action of the majority of the Lower House, was made in Halifax. A meeting was called of all those who were opposed to its policy. This the members for the city and county declined to attend, but called another on a broader basis of public discussion, being open to everybody of all shades of opinion. This meeting, held on March 30th, was addressed by Mr. Howe, in explanation and defence of the Assembly, for some hours. Mr. James W. Johnston, then Solicitor-General, came forward on this occasion to defend Sir Colin and the Council. Here for the first time met those two gentlemen, destined thereafter to test each other's skill and resources on many a hard-fought field. The meeting ended without any expression of opinion. A division was impossible after dark, the Masons' Hall being crowded to suffocation. Mr. Howe was carried home on the people's shoulders. Mr. Johnston's speech was printed and circulated by thousands over the face of the country to influence public opinion. We give some passages of Mr. Howe's speech on this occasion :

Mr. Chairman and Gentlemen,—After a long and laborious session, my hope and desire was to have retired into the bosom of my family and to have

devoted my time to that moderate portion of public business that it is my weekly duty to perform. I had no wish that unnecessary excitement should be got up on public questions, after the legitimate authorities had expressed their opinions and appealed for decision to the Government at home. But, two or three days ago, I was told that notices had been posted up calling a meeting—not of the freeholders—not of the inhabitants of the town generally—not of all those who felt an interest in the discussion of public questions, but of those only who *did not concur* in the proceedings of the House of Assembly,—those who in their own minds had condemned the House. Under such a notice, I could not make my appearance at the meeting. I was one of those who were condemned without being heard. If I went, I would have to appeal to an audience who had previously formed their opinions. All that I could do was to address a note to the chairman of that meeting calling his attention to the terms of the notice and stating the reasons why I did not attend. I then consulted with my colleagues and put the question, should we take that one-sided meeting as an expression of public feeling or should we call the community together, and after a full exposition of our public conduct, ask for a decision without undue influence or intimidation? It was at first intended to send a requisition to the Sheriff, but it was found in addition to the notices, that individuals had been parading the community, canvassing for support to their views, using intimidation and making use of language which, if as stated, was unjust in the highest degree. It was then felt that no time was to be lost; that it would be unwise to wait for a general requisition, but that on the spur of the moment it was our duty to call our constituents together and appeal to them broadly and fairly. This meeting has been assembled accordingly; and I see before me men of all shades of opinion, of all ranks and classes—men who I hope, whatever they have been induced to do or to sign, have come here to hear and to decide for themselves after a full discussion of the subjects which have engaged their attention. To this meeting, as to my constituents on all occasions, I am content to appeal. I never shrink from responsibility of any kind. I have never wanted the courage to appeal to them openly, though I might want the temerity to appeal to their private prejudices, by the circulation of slanders which I dare not avow in public.

The parties to be put on their trial this day are the members for the town and county of Halifax and the House of Assembly on one side, and the Governor and his administration on the other. Can I avoid feeling what a wide contrast there is between the power of the parties? Had I the entire patronage of the country at my disposal—had I twelve Executive and twenty Legislative Councillorships to bestow—had I influence over every appointment in the country—could I send my aids abroad to canvass, how easily could I assemble in this room two hundred persons who would be disposed under any circumstances to take the most favourable view of my public conduct. What a different situation do I stand in! Can I bribe or intimidate an individual in

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this room? I stand before you on my public character, to be condemned or not, without favour or affection. If I have not truth and justice and a good cause, then have I nothing to defend me. I did not attend the meeting on Saturday, but I found that many in that assemblage,—I except many worthy persons for whose characters I have the highest respect, who would take a conscientious view and make up their minds, influenced only by what they thought the interests of the country,—were the steady opponents of the popular cause. When I looked at the leaders of that meeting, those who had canvassed the people and herded them together, those who were the bell-wethers in the movement, I found that they were of the same party against whom I have been struggling for the last twelve years. Among them there were one or two, who I understand in their private canvass made use of my name in a manner that, as a public man, I will not allow. I ask of Mr. E. Cunard, senior, whether he took liberties with my name and whether he is prepared to answer?

Mr. E. CUNARD: I am here and will answer. I did not.

Mr. HOWE: I ask him whether he said that I was running the same course as Papineau and ought to have had my head off three years ago?

Mr. E. CUNARD: I did not. I said that the resolutions which passed the Assembly were something similar to the Papineau concern.

Mr. HOWE: These are matters to be openly and freely discussed. I have no concealments to make.

Mr. CUNARD: Having been thus candid, I ask for your author.

Mr. HOWE: Mr. Conrad West.

[Some altercation ensued between Mr. Cunard and Mr. West amidst cries of "Order."]

Mr. C. WEST to Mr. HOWE: Mr. Cunard said that you were a Papineau and that there would be a revolution in the country in a few years. It was not Mr. Cunard that spoke of your head being taken off.

Mr. CUNARD: I deny the whole of it.

Mr. HOWE continued: If Mr. Cunard disavows the expressions and there has been any mistake, there is no cause of offence on my part. I came to the meeting prepared for retaliation, but as the offensive expressions have been denied, I will pass them by. It is true, however, that the meeting of Saturday met to condemn the conduct of the town and county members. I was not much surprised at the fact for I recollected that the party were not always very well pleased with the members they manufactured themselves. In former times they came forward to put in Mr. Fairbanks and turn out Mr. Young; then they put up Mr. Deblois to turn out Mr. Fairbanks, but Mr. Fairbanks's friends being too strong, they made a mistake and turned out their friend Mr. Murdoch.

Mr. DEBLOIS: I was not put up to oppose Mr. Fairbanks.

Mr. HOWE continued: By-and-by the people of Halifax became tired of these members "made to order" and took the matter into their own hands.

Then Mr. Murdoch was brought forward to divide a unanimous feeling and put down the system of public nomination. The history of the past satisfied him that those gentlemen who had now attacked the members of the Assembly were chargeable with considerable vacillation, for they had put forward several who did not satisfy themselves.

On what principles were I and my colleagues elected to the Assembly? Our pledges were that we would endeavour to diminish public expenditure, and increase the popular influence. [Cries of “£1000 to the delegates,” “Silence,” “Order.”] I will proceed to show how these pledges have been fulfilled. In the first session of the present Assembly the public expenditure was reduced £3000 a year. The first pledge was faithfully kept so far as the power of the Assembly went. Then the Council doors were opened; the judges were removed from the Council; the old bank influence was neutralized; the Legislative and Executive Councils were divided; and last though not least, the Quadrennial Bill was passed, that which gives this meeting an opportunity of expressing their opinion on the conduct of their members three years before they would have had it under the old system. Thus was the second pledge kept. Who now doubts that all these measures were good? But I could point to some of the party, I do not mean the body of the people—some of the leaders and movers in the late attempt at agitation—these, and their friends in and out of the House, opposed almost every one of the concessions thus obtained and which went to increase the popular power. The late meeting was called to find fault with the members. The worthy gentleman who was in the chair stated, as his reason for accepting, that he had formerly represented the town of Halifax for seven years. [Cries of “He is a better man than you,” “Silence,” “Turn him out.”] He participated in the feeling of the meeting, and I would ask that gentleman, when he charges the present members with doing too much and doing it violently, might not himself be charged with doing too little? Why had not he saved the £3000 a year? If he did not, in the course of his seven years, does he not owe some account for allowing the expenditure of £21,000 that might have been saved? [Some exclamations were here made by a person who had repeatedly interrupted the speaker. Cries of “Order” and “Silence” were made; the individual persisted and he was turned out of the room.]

The CHAIRMAN: Would it not be better to confine remarks to the purposes for which the meeting was called? Are you not straying, rather, from the question?

Mr. HOWE: I am coming to the point. To accomplish these matters it was necessary that they should come within the range of the Assembly's powers. Other things were dependent on the sanction of the authorities at home and they could only be reached by means of an address to the throne.

Mr. FILLIS: A threatening address. [Cries of “Turn him out,” “Silence,” “Order.”]

Mr. HOWE: I am not talking now of the address recently passed, but of

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that which passed in the first session of the House, for the purpose of obtaining the sanction of the home authorities to changes which were thought necessary. When passing it, the same party that is now opposing the members of Assembly, opposed it in the House and out of it. The same efforts were made to prevent that address, which contained no threat, from going to England. Yet what answer was received? The Government conceded almost everything that was asked, and sent instructions to the Government, which if I had had the penning of them myself, I could scarcely have penned anything that would have been more universally acceptable. Respecting the Civil List and the Councils, the Home Government agreed with the House. It was stated that the Crown cared nothing about the sums given to public officers, provided they were sufficient for their maintenance, and it was stated that they should be content with an economical arrangement. Those who enjoyed the confidence of the country were directed to be introduced into the Councils, so that a united action of the different branches of the Government might be formed and the whole be made to harmonize—the Assembly agreeing with the Executive. Had these instructions been carried out and their spirit followed, there probably would have been no more commotion, no agitation about responsible government, no discussion about the framework of our institutions, for several years. But in the carrying out, all was marred. Had the Legislative Council been so constituted, that it would work harmoniously on one or two great questions, there would have been but little difficulty respecting the Executive. Had a majority of the Executive been composed of those who possessed the confidence of the country, the rest could have been gradually moulded as vacancies occurred. Did we make it a charge that the Governor did not make both Councils of one character immediately or that he did not omit all the old members of Council? No. The feeling was that one or other of the Councils should be made to sympathize with the House. It was not expected that both should be governed by the House. If one were wrong it would not be minded, but both were so constructed that the House was satisfied the moment the appointments appeared that two or three great questions could not be carried. What were these measures? It had been said that nearly everything passed the Councils, but I will state what has not passed, the bill for reducing the expenses of the Civil List and that arranging the judiciary of the Province. Respecting these topics, the Home Government expressed a degree of liberality which the people of Nova Scotia ought to be thankful for. The Government made some specific propositions, but from the whole tenor of the despatch, it was evident that if the colonial parties could agree, there would be but little fear of any disagreement at home. The appointment to both Councils made it impossible that parties here could agree. At the time Lord Durham came out to Canada, the Councils were again dissolved; the House promptly remonstrated with the Governor, but the old system was confirmed. The next step thought of was to send delegates to Canada, to the Governor-General. When that was proposed, many of the

gentlemen who held the meeting the other day were outraged at the proposition and the measure was finally defeated. What was the result? His Lordship arrived in Canada and a mission to him was made up and sent by Sir Colin Campbell, chiefly from the other side; I say the other, because when the popular party had but one voice¹ in the delegation, the influence might be said to be arranged, as in other matters, to secure a preponderance for one party.

In its second session the House found matters in the same state and passed another address, complaining that the changes which they had a right to expect had not been made. When that went home the ministry were much occupied in important concerns in the face of a strong opposition and were waiting for the report of Lord Durham, so that they did not take the steps which the Assembly thought necessary. In the third session a delegation was considered advisable to explain the views of the House and remove existing difficulties on several subjects; to show what wrong principles were in operation in some cases; and how in others details had not been carried out. I may be asked what was obtained by that step? I answer, the outports of the Province have been opened. I know that in town a cry has been got up on that subject. But, gentlemen, can the town be ruined by the prosperity of its neighbours? It is preposterous. All would prosper together. In another department the delegation has effected a saving of about the same sum per annum which the delegation cost, I allude to the Post Office. The main grounds of complaint were that the constitution of the country was such that the branches did not harmonize and bills could not be passed which were essential to matters of economy, and that the whole administration was in the hands of the minority. When it was found that two members of Assembly were going to England, two members of the Legislative Council were selected to oppose them. Then came the question of pay. The House said it could not pay those who were going home to defeat what they wanted to effect; they might as well appropriate one thousand pounds for the building of a bridge and give another thousand to another party for pulling it down. The consequence was that those who represented the Assembly in London had to go without their expenses, and the experience of the delegation was that on many of the great questions, the gentlemen from the Legislative Council did their best to defeat the views of the House.

The meeting will see that my observations bear on the conduct of the Lieutenant-Governor. In the first place the plain instructions of Lord Glenelg were not carried into effect. Any one may be satisfied of that by looking at the documents, and the selections that have been made under them. I believe that the circumstances of the country were such that the instructions might have been obeyed, if parties who had the power wished to do so. It was all very well to select two gentlemen to represent the local government; but the two who were appointed were known to hold pretty high

¹ William Young.

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notions with regard to the general conduct and opinions of the Assembly. You may say that these delegates had a right to their opinions. They had ; but my argument goes to show that the selections gave plain intimation of what kind of work was to be done.

One of the delegates of the House was my friend Mr. Huntington. It was immediately found by his opponents that during the Canadian rebellion, when there was much excitement and every one was saying everything that came foremost, he had used some strong expressions. The fact is that Mr. Huntington has a nervous affection of the heart which makes him irritable at times. You may laugh, but I hope none of you may ever have such an affection. Mr. Huntington, it appears, made use of some strong expressions ; but not stronger than were used by fifty members of Parliament and at meetings in the mother country. But what was the use made of this in order to destroy the influence of the Assembly ? Affidavits were prepared and forwarded to England for the purpose of making the Government believe that Mr. Huntington was a disloyal man. Now, gentlemen, I ask, if an individual were to go round the community, at almost any time, and take down the words made use of in conversation, how would they appear ? I heard a gentleman say that one of the highest public functionaries of the Province, during recent proceedings, called the Queen a "damned little Radical." Suppose an affidavit were hatched up on that expression and sent home. An official personage also said that Her Majesty's present ministers ought to have been hanged. These were the gentlemanly expressions that had been used on the other side. We, gentlemen, never think of making up affidavits about such things ; we have a spirit above such modes of opposition. Did Mr. Huntington deserve such treatment ? I believe he is almost the only man in the House, except the old soldier alongside of me [Mr. Forrester], who ever fired off a gun in defence of the country against the Yankees. During the last American war, an enemy's vessel went along the coast near Yarmouth, spreading alarm. One night news came that her crew were landing, and the principal person who rallied the people was old Mr. Huntington, who with his three boys, the present member among them and some others of his company, turned out, beat the boat off, and killed and wounded six or eight of the enemy. This affidavit however exhibits the kind of petty arts that the House has had to contend with. Thus men are misrepresented and stigmatized for their opinions. [Mr. HALLIBURTON asked if Mr. Huntington was not opposed to monarchical government.] It is asked if the honourable gentleman is not opposed to monarchical principles. He is not ; but he is opposed to any government by a clique or a party ; he admires the British Constitution and the dearest wish of his heart is to see that constitution, in all its purity, flourishing in this country. By this and other matters, it is plain that the entire influence of the Governor, and the Executive and Legislative Councils was placed in opposition to the House in the negotiations ; and they were referred to a Colonial Secretary, who was related by marriage to the Governor himself. With these combinations to

struggle with, it was not possible for the delegates of the House to accomplish more than they did.

While they were absent, much discussion arose on responsible government; and I may be asked what that term means. It means that the Executive, which is to carry on the administration of the country, should sympathize with to a large extent and be influenced by, and when proper be composed of to a certain degree, those who possess the confidence of the country. That is the way the matter is understood at home; this is what is contended for here and will be sought until obtained. Gentlemen, I felt it my duty to take part in the discussion of this question. Persons opposed to me were continually attributing to me all sorts of wild opinions, until parties were made to believe that if I did not set fire to the mines and blow up the Province, I would at least let in the Bay of Fundy in the rear, and swamp the whole. I was said to have all sorts of wild vagaries in my head, and I thought that the better way was to let the people see what my opinions were and what I wanted. Therefore I published my views. I laid them before the country in a pamphlet; they went into the adjoining colonies, and never yet have I seen an argument which at all overturns the general principles advocated. Were these views extraordinary and confined to a narrow circle? Lord Durham's opinions and conduct sanctioned the principles; the Government at home agreed to the practice in its full extent, although at first they rather started at the theory. New Brunswick also supported the views of the Assembly; they passed one resolution in favour of the principles without a division and another going the whole length with a minority of four only. But who else keep the Assembly of Nova Scotia in countenance? Sir John Harvey and the Governor-General. These principles have not been long or ardently discussed, yet the whole of British America understands them, because they are based on the British Constitution; they lie at the foundation of good government and are felt necessary for the safety and prosperity of those who inherit the feelings of Britons.

I now come to the last session of the Legislature. What was the position of affairs at its commencement? The Assembly saw that no change of any importance had been made in either of the Councils. The resolutions against the Executive Council were passed, because at an early period of the session it was seen, that unless a responsible Council was obtained, it was useless to attempt the adjustment of one or two great questions which were before the House. The session also was commenced under greatly altered views. Lord John Russell's despatch had been received, and what was the purport of that document? Its object was to get rid of the numerous references to England by giving the Governor of the colony sufficient power to carry on the local government.

The House then passed four resolutions condemnatory of the policy of the Executive Council and took them to the Governor. The answer was that the Governor was satisfied with them, that the House had sent delegates home,

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and that the Marquis of Normanby had stated that he would not interfere as regarded the existing Councils. The House then passed an address to his Excellency, calling his attention to the despatch of Lord John Russell and to the opinions of the Governor-General and Sir John Harvey. The answer to that was that he would refer the whole matter to England. The meeting of Saturday considered that the Assembly should have waited the result of that reference. Of what use could another reference be? With our own delegates on the spot, there was influence sufficient to counterwork us; and on their return we could not pay them out of the people's chest without wasting another £1000 and therefore could not send them again. What could be expected of a further reference? To whom would the matter be referred? To the delegate of the Governor and Council, Mr. Stewart, who was still in England and to two or three other Councillors who were also there and whose influence could be safely reckoned on, while the Assembly had no influence to urge its views. Should we send home half a quire of paper to meet the active opposition of those gentlemen? It was seen that such a reference would be destructive of what we considered a great public benefit and the final step was resolved on. We passed an address to the Crown, praying for the removal of the Lieutenant-Governor. I say to this meeting in all sincerity, if we had not performed that act—if we had shrunk from it—if we had failed in that part of our duty, painful as it was, you might well have scouted us from this hall to-day and have withdrawn your confidence from those who, affected by timidity or corruption or ignorance, had failed in so important a point. Why did it become necessary to pass that address to the throne? Lord John Russell in his despatch said that not only should the Executive Councillors and heads of departments be subject to be displaced in political exigencies, but that a change in the person of the Governor should be considered a sufficient reason for a change of the advisers of the Executive. Were we not bound, if we could do it in no other way, to get that change, which was so much desired, by effecting a change of the Governor?

Why was it necessary to have harmony here between the Executive and the Legislature? We passed recently £45,000 for roads and bridges and in whose hands was it placed? In those of men who condemned and opposed the House. The whole details were to be carried out by those over whom there was not the slightest influence. Another reason why there should be harmony, and why the Government should be made to satisfy the people was that all the appointments of the country were entirely distributed by the Council. These ran through the whole country and how could there be satisfaction, quiet or peace, in a Province so situated? I may be asked what was the exigency respecting the Civil List and the judiciary? Why were we not contented with what was obtained? I will explain the nature of those measures. The expenses to be effected by these bills amounted to £7600; by the bills passed by the House and rejected in the Council, the ultimate expenditure, after the death of the incumbents, would be £5300. The main object

was to effect a saving of £2300—a saving to the country, but not to the party who ruled the country; it would take that amount of patronage from that party who pretty much relied upon patronage to support their cause. To reduce the power of ruling in that way, was to reduce the power of influencing the leading minds. While the House was endeavouring to effect this saving and to secure the casual and territorial revenue to the country, who were endeavouring to increase the expenditures? The salary of the Master of the Rolls a few years ago was £600, but the casual and territorial revenue was in the hands of the Crown and the salary was now £812. During last year several small sums were tacked on in that way out of the revenue, which if repeated to this meeting would make you laugh. Another curious matter happened during the year. Formerly all the public officers were paid in dollars at 4s. 4d., but they now contrive to get paid in sovereigns at 25s.; so that in that way every salary settled on the casual revenue is increased £9, 10s. per cent. How did it happen that while the House struggled for reduction, every salary has been thus raised? Where was the influence to accomplish this increase? These were some of the accidents, so many of which, occurring within the last four years, made us believe that they were not accidents, but were done on system.

Before the final address passed, the two bills were destroyed. Has nothing more been done? If nothing more had been done, I am not satisfied that that address would have been urged. But new appointments were made. I may be asked, are they not respectable? I answer, many of them are. Most of the gentlemen appointed in town I have known from boyhood and I would be far indeed from saying a disrespectful word of any of them. Who was taken from Cumberland? A gentleman who at the last election opposed both members who represent the county. Is that fair? Shall appointments be taken from the minority in the country? Would the town sanction that? Who was taken from Yarmouth? A respectable and wealthy and I believe a good man; but one who, I understand, will act with the party that oppose the three gentlemen who represent that county in the House. Is that fair? Is that the way to make the House and Council harmonize? There was one other, and Heaven knows, I wish that it had not been made. Who was the other person appointed? I will say nothing offensive about him because he is not present; but it may be sufficient to say that he was the delegate of the Governor and Legislative Council sent to oppose the House of Assembly. Why was he elevated? After losing his seat in the House of Assembly or having a hard contest and not much chance of winning it, he was appointed to the Legislative Council and sent to England to oppose the views of the House, taking his share of the £1000. He had been sent home to oppose the wishes of the country and was then sent out to govern it. All this was done before the Assembly's final address passed. Was there any other step that the House could take? I address myself to the calm minds of many whom I see before me—many also who may not agree with me in political opinions on some points, and I think

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they will retrace any steps they may have taken on the subject, if I show them that there was no other resource left to the House. Could nothing else be done? Yes: we could stop the supplies. I put it to you to say whether it would be better to stop the circulation of £68,000 or £70,000 throughout the country—to leave the schools, and roads, and bridges to go down, and suspend the salaries of the public officers who depended on the vote of the House, or to take the step which we did.

Which would be the wisest course: to occasion distress and confusion, or by a simple resolution to desire his Excellency's recall? I believe that if the Governor himself was left the choice,—I think I know enough of him to be able to say,—that his decision would be, Do not injure the country to carry a public measure, pass your censure on me, allow me to pass away, let some one else come in my place, and quietness be the result. Another reason why the House did not like to stop the supplies was that that was the Canadian remedy, and its results were confusion and wretchedness. In acting as the House did, what example did we follow? That of a country that could not be charged with disaffection,—the example of our sister province of New Brunswick, whose people are of well-known loyalty and who have never forfeited their allegiance to the throne. Persons complain that the language of the address is strong. I admit that those who are out of politics, who are in the quiet walks of life, may measure their expressions at all times; but some allowance should be made for those who are engaged amid the warmth of political struggles, if at times they put rather too much animation in a public document. I do not admit that that was the case in the instance before the meeting. What was the language of New Brunswick to Sir Archibald Campbell? They, like us, never got satisfaction until they declared their want of confidence in their Governor, accomplished his removal, and procured another in his place. I will read to the meeting what the Legislature of New Brunswick said: "*Resolved*, As the opinion of this committee, that in thus disobeying the commands of His Majesty,"—in New Brunswick as here, the Home Government was with the people, and the Governor was against—"and in placing himself in direct opposition to the recorded opinions of the Legislative Council and Assembly, his Excellency the Lieutenant-Governor and a majority of the Executive Council have entirely forfeited the confidence of the country." That was the step the sister province took, to get rid of those who would not carry out the policy of the Home Government; that is an example worthy of Nova Scotia, and which she may be proud to follow. Suppose we had not done so, Sir Colin Campbell might remain for a considerable time, or another Governor would come to fall into the same hands, and pursue the same policy. While on this part of my subject, I will allude to a charge in the last *Recorder*. I have the passage here, and will read it to the meeting: "The measure was concocted by three individuals. Such an address could only have been instigated by personal feelings, &c. It was well known by every member of the House, that his Excellency had received an intimation from the Home Govern-

ment, that as he could not consistently and conscientiously carry out the principles by which for the future these colonies are to be governed, his services would no longer be required." A charge of personal feeling is there made against some three persons, who are supposed to have prepared the address. Before this meeting I plead guilty to the composition of every line of it. Most of it was prepared without any consultation and it was then submitted to a committee of seven or eight members, when some slight and merely verbal alterations were made. I take the whole responsibility myself.

On this point I will state before the public that two days before the address passed, I had a full conversation with the Governor on the subject. I stated to him what the probable result would be, and he never intimated that he had been or expected to be recalled and I do not believe that a single member of the House had any intimation that that was the case. We knew that his term of service had expired, but we also knew that so long as a Governor goes on pretty quietly and there is nothing better to offer him or he has nothing better in anticipation, he is often allowed to remain. There was no such information as that alluded to in the paragraph which I have read before the members of the Assembly, and I deny the statement *in toto*. What I may ask, was the nature of the censure passed? It was said to be an insult to the Queen's representative and to the Queen herself. What was the censure? It declared that there was a want of confidence in his Excellency's policy, that as far as the Assembly could perceive he was a Tory, and would not carry out Whig policy in the colonies. Had the House used opprobrious language? Had they called the Governor a tyrant? Had they given him a personal insult? No such thing; they passed a political censure on his political conduct, complained of appointments connected with the welfare of the country, and asked to have him removed. The request was not on personal feeling, but for the purpose of effecting a change of policy.

I have been pretty sorely tried in public life, but I declare that the severest trial of my life, that which most agitated my bosom and weighed on my spirits and caused me the keenest pain—that which I would most gladly have put aside and avoided, was the moving and advocating that address. I felt pretty much as a soldier would who should be called out on a firing party, to shoot a man who had been impelled by circumstances and bad advisers into crime. I felt, although compelled by the constitution to take the steps that were taken, that his Excellency was surrounded by persons who were more to blame than he himself was; and if ever I performed a task with a heavy heart, it was that. While I state this for myself, I know that I can absolve others from all malignity in the matter; as far as I know there was no personal feeling mixed up in the question. Having performed that painful duty, I and my colleagues and the country members who voted with us, felt that all that could be done was done and that the question was now to be tried out by the people,—not by addresses—in England they were too much accustomed to addresses on

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every side to value them very much; not by one-sided meetings of those who had made up their minds,—but by the general elections of the Province.

I now appeal to you,—I put the matter in your hands to say whether we have done right or wrong. I am not without some suspicion, however, that some of those who formerly manufactured members for Halifax, have seized on the censure as affording the means of commencing an electioneering campaign. They may sympathize with the Governor; but the chief sympathies of some of them are for the continuance of the system which he helps to uphold and which a new Governor might help to destroy.

I was disposed, gentlemen, to be done with political agitation; I thought it was unnecessary; but I heard of the meeting on Saturday, by a notice which precluded my attendance. It called those only who concurred in condemning certain conduct of the House, and to go there and appeal to a meeting of one side only, would be ridiculous. I thought that the better way would be to assemble the whole community and an invitation was given to all. Those now around me are the wealth and sinew of the community, many of whom are opposed to me in politics. I hope there will always be some little difference in the community,—opposition is useful for the eliciting of truth. I did not attend the meeting on Saturday, but the reporter was there and I hold in my hand a list of the chief movers and speakers and an authentic report of the speeches. The first speaker is Mr. Deblois; that is all very well. He, however, should have recollected that he was the *rejected* of Halifax.

MR. DEBLOIS: I was not the rejected. I did not offer a second time. I would not do so.

MR. HOWE: I thought the honourable gentleman had offered and as I mistook, I beg his pardon. In the Vice-President's chair was Mr. Justice Keith. I have no objection to that and have only to say that I like his ale better than his politics. Then my worthy friend Major Fairbanks appeared as a prominent speaker. That was all right enough; his brother was one of "the glorious minority," and it was only fraternal of him to cover his retreat. The speech of Mr. Fairbanks admits that the Assembly were right in all their proceedings, except in asking for the remedy which was to crown all. The Hon. L. M. Wilkins was also one of the speakers at the meeting and his speech was respecting the notice by which it was convened.

MR. WILKINS: I thought the notice a proper and right one. The subject had been discussed and it was a sensible thing to call a meeting of those who were opposed to the Assembly's address.

MR. HOWE: Although the honourable gentleman is not among the people of his own county, he is among persons who respect his manly character. I must say that I wondered to find him, the ex-delegate, who owns no freehold in this county, taking a part in a Halifax meeting. I meant, however, to compliment him when I came to his speech. Mr. Smith was another of the speakers. That gentleman is a lawyer from the West Indies. I admit the worth of Mr. Smith. I believe he is a gentleman, in every sense of the word;

he is a fine, manly lawyer ; he has embarked capital in the country, and none could complain of his taking a part in the proceedings. But I thought it was a good joke, to have a lawyer come from a slave country to teach the "Blue Noses" liberty!

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Mr. SMITH: I attend to-day although I am not a freeholder, and I trust that I will get an opportunity of answering, when I will give as good as I get.

Mr. HOWE: Certainly; and it will be no wonder if I get as good as I give, for the learned gentleman has had much more practice than I have had. He seems to have decided, because the "Blue Noses" have more liberty than the slaves had before he left the West Indies, that they should be content and think they had enough. Among the other speakers, I found one of his Excellency's colonial aides-de-camp. That was well enough; but it seemed rather a queer way of getting an expression of the public opinion. In short, I found that nearly all the leaders and canvassers, in one way or the other, had some reasons for pretty strong feelings on the subject.

Mr. E. CUNARD, junior, said that he had not said anything which was incorrect.

Mr. HOWE: I never heard anything unhandsome of the gentleman, and I do not intend to say anything to that effect.

I now come to the nature of the speeches that were made on the occasion. Mr. Fairbanks said he was pleased to find on the part of the Assembly and the people that they were disposed to get every privilege and control which was rational and right over their own affairs; that the proceedings of the Assembly were correct on those matters and that he did not approve of some of the appointments. That is pretty fair, and I am glad to find such opinions spreading in the community. Mr. Fairbanks then went on to say that when he found that the "representative" of the Sovereign had been attacked, he dissented. But it should be recollected that it was because the Governor would not represent the Sovereign that he was attacked. The minister in the House of Commons represented the Sovereign to a certain extent; and what delicacy was felt at attacking him? It was this final step that Mr. Fairbanks disapproved, and he said that he did not wish to go into the character of the representation. He then remarked that if *THEY* did not like them, *THEY* could turn them out,—applause followed that remark; or, if *they* did like them, they could keep them in; after which was a laugh. Now it is just possible that *you* as well as *they* may have something to say in these matters, although not at this meeting. I do not say what prospect or probability there is, but I am willing to take my chance, and *the laugh* may be on the other side by-and-by. The grant of £100,000 which was placed at the disposal of his Excellency was adverted to. But how was the House situated at that time? They placed the money in the hands of his Excellency,—not in those of his Council,—because it was felt that there was no control over them. But was any member satisfied with such a vote? Were any of you satisfied that money should be put into the hands of any public officer over

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whom there was not proper control? There was no other mode at the time and the people showed what were their feelings by the sacrifice which they freely made. Mr. Fairbanks said that the Governor had been censured because he did not read the despatch as some of the members of the Assembly did. But we read them as the Governor-General and Lord John Russell and Sir John Harvey and some of the most talented men in the minority read them. It was then said, in Mr. Fairbanks's speech, that the Governor "had a right to read the despatches as he thought proper." That right, however, is a question. My friend, Mr. Fairbanks, is an agriculturist. Suppose he should write a note to his gardener, and tell him to plant peas in a certain spot and that he found turnips coming up instead, he would say, "How came you to make that mistake; could you not read my note?" The gardener might answer, "Yes, I read your note, but I had a right to read it in *my own way*." It was then said that we had no right to think that the mother country wished to oppress us. We never thought she had any such wish. Again, the meeting were told that if members of the House were dissatisfied with the appointments they might "wait for others." That was one way of accomplishing matters. Suffer situations to be filled up by hale, hearty young men, and then wait, having only the same chance of their falling off that there was before.

I observe that Mr. Smith finds fault because we censured his Excellency for one act and says that we kept grievances out of view. The reason was obvious; they had been stated in other addresses, and the recapitulation and answers in this would make it too long. I dare say, however, if I sat down to write by the yard, it might have been much longer. If the learned gentleman would take up the debates and addresses of the last three years, he would find them stated at length. He then inquired whether the Governor should "be obliged to select members of Council from the House"? We did not contend that all should be so selected, but that two or three should be taken from it; two from the Legislative Council, two or three from public offices, and two or three from the community. But we also contended, that if members were taken from the House, they ought to be taken from the majority,—not the minority. In urging these matters, we only urged what was within the practice of the mother country. It appears also from the report that the learned gentleman said that the Assembly wanted "to uproot the constitution of the country." I do not know whether that language was used. The reporter is generally correct; and I only remark on it that what we want is to establish a constitution for the country, which has none, except that tendered in Lord John Russell's despatch but withheld by the local government. We have been living under a chance-medley system; governed by despatches, under which the people had no power or influence on the local government. We want a system that will make the path to eminence open and free, as in England, where one man's son has the same chance, according to his abilities, as the child of any other man; where there is no combination among a few, to keep all the rest out. Every boy of good sense and talents should have fair play to rise in the

councils of his country and take that part in them for which he was fitted by nature and industry. The learned gentleman then spoke of the fluctuation of majorities, but all that is well known. Suppose the majorities here are not formed precisely as they are at home, they are on as good a basis,—on those who owned property. The majority of the Assembly is formed on a free, open franchise, given to a constituency which can be well trusted with the power. To be told that the majorities of to-day may not be the majorities of to-morrow, is news to Nova Scotians. It is well known that majorities fluctuate under the present system; but let that which is sought be established and the same consistency will be found here as at home. Majorities fluctuate there and will here, but the constituency will remain. The inquiry was then made, whether any people could be so governed, and the meeting were congratulated that they were not a people without a head. A people without a head indeed! I sometimes have fancied that I have seen an individual without a head,—at all events, a head which could take in sound arguments. I do not say that that is the case with the learned gentleman; but I have seen such things before now. Again, it was said, in no instance was a specific charge brought against any of the Council. Why, we charged them all, and they cried out, “Do not attack us; attack the Governor. We have nothing to do with it; he alone is responsible.” Under such a system, what could be done? The only course open to the House was that which was taken. Again, it was said to be hard to condemn those who had been appointed without knowing of what they were guilty. But we could act as the meeting of Saturday did; they condemned the House for what they knew of it, and the House condemned the appointments from what we knew of the party. There are a number of them on whom I could make observations, because my object is to show that the premises being wrong, the conclusions are incorrect; but time will not admit. There is one passage on which a few words must be spent. The learned gentleman said that our address was an insult to the Queen and that we insinuated resistance to the mother country. The man who could pick that meaning out of such a document as this has either much better eyes or better imagination than I have. I may read a few passages of this abused address, to show to the meeting how we have insulted and threatened. [Mr. HOWE here read the concluding paragraphs of the Assembly’s address, making comments as he went on.] I ask the meeting where is the threat in any of these passages? Why did we allude to governing by the affections? Because Lord John Russell’s despatch declared that the Queen “relied on the affections” of her colonial subjects. What was meant by resistance by constitutional means? The means of this meeting; by the power of speech and the action of the pen; by the vigour of Nova Scotian intellect operating on the councils of their own country and on those of the mother country also. Did the address say that we were going to agitate for anything that was not within the limits of our legitimate privileges? No, we only sought that which we were entitled to under the constitution which She gave to the Province. It may be said to be wrong even to talk of this kind of

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resistance. But how was Catholic emancipation carried? By a population who created a state of public opinion that forced the change. Slave emancipation had been effected by the population urging the measure, within the limits of the constitution, until the Government was compelled to yield to the demand. Did they resort to physical force or go beyond the constitution? No. And are Nova Scotians to be tied up within narrower limits? Are we to be afraid of opening our mouths? Must we lisp our complaints in "the bondman's key"? You may be chastened down to that; but as far as my influence goes, it shall be after I am dead. I have thus got through that rebellious document, and shown to you that there is not a line of it that a Briton might not write in the presence of the Queen herself,—that the language is not stronger than was required,—not stronger than was used in New Brunswick. I may say, that in performing our duties, we never overstepped the boundaries of what you gave us in charge. I did intend to have commented on some other matters that occurred, but as I have occupied so much of your time, and as some feelings with which I commenced have passed away, I will hasten to a conclusion.

Having given a fair candid argument on the merits of the case before the meeting,—having reviewed the arguments that have been brought against the House of Assembly, it is for you to consider what is finally to be done. The question is not to be settled by meetings of one kind or the other: as the former meeting had been called we could not well avoid calling this, but I regret that both have been called. One effect of them will be the holding of public meetings throughout the country, that impotent attempt to put down the Legislature will run like wild-fire and arouse the indignant feelings of the population; they will declare that they are not to be controlled by any two hundred or three hundred persons assembled in this town, and they will say this by an expression of feeling in their own districts. Suppose I choose to call meetings in the country parts of Nova Scotia, what is to prevent me? This point reminds me that in passing over the remarks made by Mr. Wilkins on Saturday, I did not do him justice. When some at the meeting wished to make it appear not to be one-sided, he said that it was, and that there ought to be no mistake about it. That was the manly way of opposing a party. I now, however, as he has entered the arena at Halifax, challenge him to convene the county of Hants under his parlour windows, and if I do not get a majority there to support the House of Assembly, then I will say that I do not know the independent yeomanry of the county in which he lives.

MR. WILKINS: I did not make use of the expression to cast any reflection on the meeting—I approved of it.

MR. HOWE: So it is stated in the report. I would not do the learned gentleman any injustice; I respect him too highly; I respect any man of fair and open conduct. But I say to those who pride themselves so much on the meeting of Saturday, that if meetings were called in the seventeen counties of the Province, I believe that in fourteen of them the policy of the House of Assembly would be supported; and if it were necessary that these county

meetings should be called, there would be no doubt that they would result in our favour. Was it wise, then, to disturb the country by such a manifestation? I do not think it was wise to agitate the subject more than was necessary, but the object of the meeting was to turn out the representatives of the town and county. Some hints of that kind were given, and if that were avowed the mode would be fair and manly. But suppose that the whole of us should be turned out and that four were put in to represent the opinions of the Saturday's meeting, what then would be the effect? I have made a calculation of what I believe to be the real state of the country; I may be mistaken, but I believe that the result of all the elections will be to give thirty-four in favour of the principles of the present House and fourteen or sixteen against them. It is for you to make your choice. Will you send representatives to sit in the majority or the minority? When the time comes, the constituency, I take it for granted, will express their opinions openly and manfully, and those who gave three cheers for the glorious minority—who did indeed cover themselves with glory—may be at the general election in a glorious minority themselves. If I am to retire, I have sufficient work to engage my attention; I will retire to my books and my pen, which no meetings can deprive me of, and in spite of any of those, my voice shall still be heard in British North America. If the constituency tells me to go back to the House, I am willing to grapple for four years more with the public business of the country; and if they are required, my best exertions shall be devoted to your service. If they are not, I will employ my energies elsewhere, I trust with advantage to the town and the country. All my aim is to raise the population of my native land; I might have gone over to the opposite ranks where perhaps I would have been fawned upon, but I long since decided to live among and act with the great body of my countrymen. I will be fearless and hopeful if baffled and I hope not too triumphant if I succeed.

I turn to a passage in the report in which one of the speakers at the meeting of Saturday said it expressed the opinions of the "respectable part of the community." I may inquire what is respectability? Is it to be admitted to Government House? [Cries of "No!"] It is just possible that persons who are not very respectable sometimes are admitted there. My idea of respectability is that it is founded on virtue, industry, talent and integrity, public and private. When we are told by the two hundred or two hundred and fifty persons who met here on Saturday that they composed all the respectability of the town—[cries of "That was not said; it was said *great part* of the respectability." "No." "Yes." Uproar.] I am referring to the reporter's notes, and I find that these often comprise words which the speakers forget, but as the expression is disavowed, I am well pleased, and I believe that there are not many who would concur in it.

It is for the constituency to decide on the subjects which have been brought to your notice. I do not fear the result of their reflections. Those who decided the last elections may, if united and firm, decide the next. That

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question, however, is not to be decided at this meeting; it will be put when the proper time arrives. I have no fears as to what will be your determination; and I know that the fishermen along the shores, who used to be carted up or shipped in boat-loads like cattle to elections, have become more intelligent than they were; more awake to their true interests and to the justice of the cause in which we are engaged; and I have no fear of the old influences operating on this class of the freeholders to any great extent. The farmers on the peninsula, and beyond it, are also with the Assembly, and the intelligent yeomanry of the country will be with us almost to a man. That may be too much to say, but when it is said that property is against us, I look to Colchester, and can hardly see ten Tories in the whole of it. In Kings also, the population are with the House; the same in Hants, and so on through thirteen or fourteen of the counties. [Cries of "Pictou."] I am quite prepared for Pictou also. In that county there are about 2000 freeholders. An address recently came down to the Governor with 2700 names attached to it; another for the opposite side has obtained about 1200 signatures, nearly all of them freeholders; so that out of 2000, if the other address is to have weight, they manage to make nearly 4000! That county is well known to be divided into two parties of nearly equal numbers. At the last election the county supported Mr. Dickson; he carried his election by about thirty and voted for the address of the House; so that that county is with us, as regards the *last* election, and when it comes to be tried again, we will take our chance of obtaining a share.

In conclusion, I have to thank you for your attendance and for the kindness with which you have heard me. If I have said anything which I ought to have left unsaid,—anything that may be considered personal, unfair or likely to give offence, I here withdraw it. Several who hear me may have signed an address to his Excellency, supposing at the moment that he had been hardly used, but in your memory can you recollect any Governor or Admiral, who had not addresses got up for him, by some of the leaders of that meeting! Whatever benefit they did those individuals, many of them did not perhaps accomplish much for the community. Whether your representatives acted rightly or wrongly, believe me that they did what they have done with good motives, and that it was the political conduct alone of the Governor on which their censure was passed. I believe in my conscience that, at this moment, Sir Colin more sincerely respects some of those who voted for that address, than he does others who clung around him when they should have left him free and who now vainly endeavour to defend him. Whether he is to blame or not, Governors come and go, but the Province remains for ever. Let us then not be deterred from the performance of our duties, however painful, but go on calmly and good-humouredly, reflecting credit on the community by peaceful agitation, until the foundations of the British Constitution are securely laid, and then enjoy happiness under it, neither seeking nor wishing any further change.

This was a busy summer for the Reformers. Their leader had his hands full. His first duty, after the hostile movement in the capital was neutralized or defeated, was to review Solicitor-General Johnston's speech. This he did in two letters, which will be found at the end of this chapter. They are preserved as specimens of the manner and style of the period, but it must be admitted, that many of the topics have long ceased to be of interest.

From the capital, the war was carried into the interior by the supporters of the Governor. Meetings were called in Kings, Cumberland, Yarmouth, and Digby, but the Governor's friends were beaten. Three counties only, out of seventeen, responded to their call. Before midsummer, it was apparent that the questions at issue were understood by the country and that, whatever the decision in England might be, Mr. Howe would be sustained at home.

In May it was announced that Lord John Russell had declined to present the Assembly's address to the Queen, and that Sir Colin would be sustained. In June it was intimated that the Governor was going to England. The excitement all over the Province was very great. Mr. Howe was invited in June to public dinners in Kings and Annapolis, and delivered speeches upon the topics of the day to large bodies of the yeomanry.

On the 9th of July, the steamer *Unicorn* arrived from Quebec. His Excellency the Governor-General, Mr. Charles Poulett Thompson, came in her, and it soon became known that he intended to assume the government. Being sworn in, he at once proceeded to business. The leading men of both parties were sent for and their opinions invited. Prior to the Governor-General's arrival, Mr. Howe had been offered a seat in the Council upon condition that he would renounce the heretical principles enunciated in his letters to Lord John Russell. He declined the honour upon such terms. On the arrival of Mr. Poulett Thompson, Mr. Howe's pamphlet was put into his hands, as evidence of the utterly absurd views which the writer entertained. On being questioned, Mr. Howe offered to read the pamphlet to his Excellency, and convince him that there was not only no harm, but a great deal of good in it; that responsible government was just as practicable in Nova Scotia as in England, and that it was the only remedy for the manifold grievances of which all the colonies in North America complained. The reading went on. Mr. Thompson was asked to object to what he disapproved. Upon a few points he invited discussion or desired explanations. The objections started were removed, the explanations sought were

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given, and before Mr. Howe left the room the foundation was laid of that mutual confidence and respect which only terminated a year after with the premature and melancholy death of the Governor-General.

Before Mr. Thompson left Nova Scotia it was apparent that the old system was doomed and that Sir Colin would be removed. Expressions in his reply to an address from the people of Halifax were caught at as negating this presumption, but those who had had an opportunity of discussing politics with him could not be mistaken in the bias of his mind. What he would report or do, no man knew exactly, but enough was known to prepare the people for changes in the right direction.

The new Governor, Lord Falkland, arrived in Nova Scotia in September, and was sworn into office on the 30th of that month. Four members of the Executive Council, who held seats in neither branch of the Legislature, were at once informed that their services could no longer be retained; their places were required that gentlemen who could bring to the support of Government popular qualities and influence might be called round the Queen's representative. Mr. Howe was invited to take a seat in Lord Falkland's Council. He consented upon these conditions—that Mr. James McNab should go in with him; that a bill for incorporating Halifax should be brought down as a Government measure; that other Liberals should be drawn into the Executive Council as vacancies occurred; and that all the members should hold their seats upon the tenure of public confidence.¹

Prior to Sir Colin Campbell's departure, a scene occurred highly honourable to both the parties concerned, and which we record with satisfaction. Passing out from Lord Falkland's first levee, Mr. Howe bowed to Sir Colin Campbell and was moving on. Sir Colin called to him and extended his hand, exclaiming, "We must not part in that way, Mr. Howe. We fought out our differences of opinion honestly. You have acted like a man of honour. There is my hand." It was shaken in all sincerity, and on the old soldier's departure, a graceful tribute was paid by his opponent in *The Nova Scotian* to his chivalric characteristics.

We have now to exhibit Mr. Howe in a new character,—that of a responsible minister to a colonial Governor tolerably ignorant of the new principles he was sent out to administer, and surrounded, from the moment of his landing, by a good many persons not disposed to give them a fair trial. We have hitherto marked his action as a

¹ Mr. Howe joined the Executive on October 6.

colonial reformer; as the fearless leader of a progressive party; as a popular favourite doing battle against the Government. We must now contemplate him playing a new part, with suddenly changed relations to all around him. His difficulties were great. He had to instruct, satisfy, and control within constitutional limits, a nobleman of his own age, bred in a school where pride and heady impulses are spontaneously developed, married to a king's daughter, and remarkably good-looking. He had to assert and maintain, in the cabinet, the general principles which he had advocated outside; and he had to satisfy the country that he was doing so, and that its interests would not be jeopardized by his acceptance of the seat.

The House was dissolved on October 21st, and on the 22nd Mr. Howe addressed a long letter to his constituents. He thus describes the changes which had been wrought by the Liberal majority within the four years that they had acknowledged his leadership:

To understand the measures we have pressed and the changes which have been effected, so far as they touch the general principles of our government, it may be necessary to turn back to the state of things as they stood in 1836. At that time a Council of twelve persons, chosen with one exception from the capital, formed the second branch of the Legislature, sitting in secret, deliberating with closed doors, independent of the Governor, who possessed no power to add to their numbers or soften their prejudices, and far removed from the possibility of cordial sympathy or co-operation with the popular branch. These twelve persons also shared among them the whole executive powers of the Government. Not one of them was required to appeal to the people or to secure a seat in the Assembly. They were for life the advisers of the Governor and the rulers of the people, without either possessing the power to shake them off, or to break through the intrigues and combinations by which, at whatever hazards to the safety of the one or the dignity of the other, they sought to confirm and perpetuate their power.

Mark the changes which have been wrought by the energy of those who have been denounced as the enemies of their country, but whom I cannot but regard as among its most enlightened and steadfast friends. A broader basis has been given to the Legislative Council, which is now composed of twenty members, divested of all but their fair proportion of executive influence; nine of them drawn from the rural districts, and the whole deliberating like the House of Peers, which they are intended to represent, in the presence of the population, who are now as freely admitted to their debates as they have ever been to those of the representative branch. If this body does not partake of a still more popular character, I look to time for the remedy, and meanwhile, I cannot admit that either my colleague or myself are to blame.

The Executive Council, no longer regarding the Queen's mandamus as

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personal property to be held for life, independent of her who conferred and of those for whose benefit it was created, now regard it as a public trust, to be retained only while the confidence of the Crown and the confidence of the country sanction the possession, and to be gracefully yielded, whenever the honour of the Sovereign and the exigencies of public affairs require a sacrifice of personal influence and feelings. This, I think, you will admit is a fine approximation to the principles and practice of the constitution as understood at home ; and as such, it will no doubt be received as a gracious boon from the Sovereign, prompted by the enlightened prescience of the statesmen who now direct our national affairs. Six out of ten of those who compose the Executive Council are members of the Representative branch ; once in four years they must come upon the hustings to ask the people whether or not, for another quadrennial term, they shall surround the Queen's representative and enjoy the highest honours of the country. Here then are popular checks favourable to liberty and good government, unknown to our constitution previous to the arrival of Lord Falkland, but which make us feel that at last Nova Scotians are admitted to the high political standing of their brethren in the British Isles. If it be asked how are those members of the Executive Council who have seats in the second chamber to be influenced by public opinion ? I answer, when they forfeit the confidence of the body to which they belong, or when no combination of able and influential men, in the popular branch, can be got to act with them, they also must retire, for from that moment they cease to be serviceable and become an obstruction to the Government.

But it may be asked, do not these changes limit the prerogative and weaken the legitimate power of the Queen's representative, so far as to endanger the balance of the constitution ? By no means : the Governor is still responsible only to his Sovereign ; the patronage of the country is at his disposal to aid him in carrying on the Government ; he can rid himself of factious or selfish advisers by dismissing them ; he can appeal to the people by dissolving the Assembly and call in the power of the empire should the great privileges conceded be abused. That they never will be in Nova Scotia, I think I may venture to predict, and the highest hope that I entertain at this moment is that my countrymen will cordially aid a nobleman who has no other aim than to give them the fullest measure of self-government, peacefully to work out these principles, and to open the widest field for generous and manly competition, compatible with the preservation of the prerogative and the integrity of the empire.

Yet it may be said, admitting these changes to be good in themselves, the agitation of the public mind in order to obtain them has done evil. I look abroad for evidence of the truth of this assertion, but confess I am unable to obtain it. It is true that there have been discussions in the newspapers and in the Legislature, in which both parties to the controversy have sometimes transgressed the boundaries of fair debate, but this is an evil inseparable from all kinds of disputation. There was as much scurrility in the newspapers in the

days of *Agricola* and Lord Dalhousie as in more modern times; Halifax was as violently divided by Grassie and Pryor's election, which was a mere personal affair, as it was at the last or is likely to be at the next, by broad questions of public principle; while the Barry riot has certainly been unequalled by any feats of the party who have been urging these improvements during the last four years. So much for the capital; and if we look to the country, may we not ask if an academy did not create more violent parties and bad feeling in Pictou, a dyke in Cornwallis, and a bonfire in Liverpool, than have been aroused by the great question of our day, whether the executive and legislative branches of a colonial government should harmonize or be kept in a constant state of conflict? To me, it is a matter of pure satisfaction to reflect that by the peaceful agitation of four years, in which from one end of the country to the other there has not been a blow struck or a pane of glass broken, great changes have been wrought and invaluable principles established, for which other countries have for centuries struggled in vain or have only purchased by civil conflict and blood and tears. It is true that the people have talked politics and discussed general principles of government, but all the time they have been rising in the scale of social comfort and mental and moral improvement. Is there less of intelligence, of wealth, of public spirit, of high moral principle, of a taste for intellectual pleasure in Halifax, than there was? Is there less throughout the country? No man who knows it will make the assertion. The people read and think more, but they drink and fight less; there is more industry with higher intelligence to guide it, but less waste and fewer mortgages and lawsuits; and although I am far from asserting that these contrasts are strictly the results of political agitation, I am happy that the improvement in the character and condition of the people has kept pace with the improvement of their institutions.

Mr. Howe's views on religious freedom and general justice he thus expressed in a paragraph of this address:

Upon another topic allow me to say a few words. It has been objected by some that a spirit of hostility has been manifested to the Church. I will frankly explain to you my views and feelings on this subject. The beautiful streams that intersect our country in all directions roll past the dwellings of Episcopalians, Presbyterians and Methodists, and shed an equal charm upon their children playing on the banks. In passing by their orchards I cannot observe any richer tint upon the blossoms or finer flavour on the fruit of the one than of the other; nor is there any distinction in the verdure with which nature clothes their fields. The mackerel run as freely into a Catholic's or Baptist's net as into any other, and I naturally enough ask myself why as a legislator I should make distinctions which God in His own good providence has not made? Nay, why should I not rather remove any which others, with the best intentions but with little foresight and most mistaken zeal, have set

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up, breeding contentions among the people? I wish to see Nova Scotians one happy family, worshipping it may be one God in various modes at different altars, yet feeling that their religious belief makes no distinction in their civil privileges, but that the Government and the law are as universal as the atmosphere, pressing upon yet invigorating all alike. To me it is a matter of sincere gratification that my sentiments are those of Her Majesty's ministers and of the enlightened statesmen who represent them upon this continent. My wish is not to injure the Church, but to see it built up and extended by the zeal and piety of able ministers, and my desire to change its political position extends no further than that of Her Majesty, whom every good Churchman recognizes as its head.

Mr. Howe thus alludes to and vindicates the change in his personal position :

In expressing my readiness again to accept a seat in the Legislature, let it not be supposed that I have any pecuniary interests at stake. I have never asked for or obtained any situation of emolument under the Crown. My devotion to public affairs has hitherto cost something ; it has not yielded me a farthing in return. Though I would never waive my right to accept office, if thereby I could serve the Government and benefit the country, my own industry has hitherto been sufficient for my support, and of this you may be assured, that I will never hold any office into which I cannot carry your confidence, and the discharge of the duties of which can by any possibility bring me into conflict with the true interests of the people.

Having been elevated by Her Majesty's command to a seat in the Executive Council, a brief explanation may be necessary on this subject, and I make it the more readily because I have no secrets to conceal. When the charge of personal ambition has been reiterated by those who assert their claims to fill every post in the country, by applying in shoals whenever one happens to be vacant, I have often smiled at their modesty and at their ignorance of facts. Had I sought my own advancement and not the general good, I might have accepted a seat in the Council in 1837 and held it for life, independent of the people. Again in 1839, had I abandoned my principles, I might have obtained the vacancy occasioned by the demise of the Hon. Joseph Allison ; but to have gone into the old Council, upon the old principles, would have been to deserve the epithets which have sometimes been as freely as ignorantly applied.

→ When, however, Her Majesty's Government, by the withdrawal of Sir Colin Campbell, by the retirement of a large section of the old Council and by the adoption of the sound principles for which the popular party had contended, made such a demonstration as I conceived entitled them to the confidence of the country, it seemed to be clearly my duty to accept the seat tendered by the new Governor and to give him the best assistance in my power. You may perhaps feel that some gentlemen are retained with whom it may be difficult

to act and that others are left out whose services it might be desirable to secure: but the question I had to decide was whether at the moment his Lordship could do more and whether you would acquit me of blame if I did less. I was well aware that I ran some risk in changing my position and attempting to work out new principles, amidst the feelings and prejudices of the past; but my reliance was upon your good feelings and good sense, upon the principles themselves and upon the enlightened views and firmness of Lord Falkland, than whom I do not believe there is a man in the Province more sincerely desirous that the government should be administered "in accordance with the well-understood wishes and interests of the people." In claiming your suffrages then, as a servant of the Government, let it be distinctly understood that I mean to give it a cordial and generous support so long as I believe it is so administered. To press organic changes further—to cherish feelings which past conflicts have aroused—to contend for more than can or than ought to be yielded until experience has demonstrated its absolute necessity, would seem to be the duty neither of a good man nor of a good subject. That you will approve of the course I have taken—that you will rally around and sustain the government of Lord Falkland until it forfeits your confidence, I cannot doubt. My belief is that my countrymen will, by their conduct at this period, prove to their Sovereign that they appreciate and are worthy of the boons She has conferred; and that it will be their pride to show to their brethren at home and to the surrounding colonies, that they understand their duties as well as their rights.

Though all the members of the old Executive Council who had had seats in either branch of the Legislature were included in the new arrangements, mortal offence was given to the party who had sustained Sir Colin, by the removal of three or four gentlemen of great wealth who had not, and by the appointment of Mr. Howe. On the other hand, several of the leading men in the Liberal ranks were dissatisfied because the removals had not been more extensive, and the appointments from that side more numerous. The mass of the population were, however, hopeful and cheerful. They saw that great good had been done and had unbounded confidence in the integrity and resources of their leader. On the 21st October an address was presented to Lord Falkland by the citizens of Halifax. We presume that it was written by Mr. Howe. Responsible government was then the thought uppermost in every man's mind. Were we to have it or not, was the question.

Whatever differences of opinion may exist in Nova Scotia, as in the mother country, upon political questions, your Lordship will find one all-pervading feeling of loyalty and attachment to Her Majesty's person and government and a strong desire for a perpetual union with our brethren at home, under kindred

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institutions, favourable to rational liberty, and having a broad foundation in public confidence. Your Lordship's long connection with those distinguished statesmen to whom the British Islands are so largely indebted for the extension of political and municipal rights and the amelioration and improvement of their institutions, leads us to anticipate that your best exertions will be used to extend their principles and practice to the colony now placed under your command. Our fervent hope is that your Lordship may succeed in establishing a strong administration, carefully guarding the Queen's prerogative, while consulting the interests and opinions of the people; and that the sound principles of colonial government, announced by Her Majesty's ministers, may by your firmness and discretion be peaceably developed and generally recognized in this Province.

The answer given calmed the popular excitement and conveyed to the country an assurance that times had changed and that a new spirit had been infused into the Executive. Lord Falkland said:

The warm admiration you express for the constitution of England proves that the inhabitants of Halifax know how to appreciate and are worthy of the blessing to be derived from a similar form of government.

I am anxiously desirous that the municipal rights and privileges enjoyed by the natives of Great Britain should no longer be unshared by their fellow-subjects in this country, who will ever find me ready to aid in modifying or remodelling their institutions, when changes are really required and may be safely effected; and I trust that a firm and fixed determination on my part to consider talent, industry and character, as qualifications establishing the most valid claim to distinction and preferment, will secure to the public the services of those best fitted to bring about such amelioration as may be found practicable.

The success of my endeavours to carry out such improvements and alterations as may be necessary must in a great degree depend on the assistance and support afforded me by the people of Nova Scotia. Living under a representative government, the inhabitants of this Province are masters of the means by which British institutions have been attained and matured under circumstances of difficulty and danger that this country can never have to encounter or overcome; and the acquisition of all that the Nova Scotians can reasonably desire will naturally flow from the wise and judicious use of the privileges of which they are already possessed.

The House was dissolved on the same day, and all parties prepared for the elections. A powerful opposition was organized in Halifax. The Reformers prepared to meet it. Mr. Bell retired to make way for the Hon. James McNab, and that gentleman and Mr. Howe ascended the hustings as Executive Councillors, making

the declaration for the first time in Nova Scotia that they held their places by the tenure of public confidence and should tender their resignations to the Governor the moment that the support of the people's representatives was withdrawn. The contest under the old law lasted a fortnight, and the four Reformers were triumphantly returned for the metropolitan town and county.¹ When all was over the members elected were entertained, on November 23rd, at a public dinner in the Masons' Hall by a numerous body of their supporters. Mr. Howe in returning thanks on this occasion said :

For this sumptuous entertainment,—for this proud, though perhaps unnecessary display of the talent, integrity and public spirit of the capital now spread before me, I as one guest thank you from the bottom of my heart. My own sentiments were common to all your representatives ; we felt that this exhibition of your power and feeling was not required ; we felt that the gentlemen who had acted on the committee and those who supported them, had had labour and trouble enough, without assuming more. But we found that the large body in whose hands we had placed ourselves had resolved to pay us this compliment and we submitted to your wishes. When I look round on what lies before me, when I see a table equal to anything that I have previously seen in Halifax and surrounded by numbers which exceed those of any former festive occasion, can I but feel deeply grateful for the exhibition? When I look around the board, let those who oppose us say what they will, I see the stamina of this community, whether I look to wealth, independence, moral principles or intelligence. If I want men to build ships or rear houses, I find them around your board. If I want men to conduct the mercantile business or the retail trade, between man and man, I find them around your board. If I want men to bid the canvas of the country float before the winds of heaven and convey its products to distant lands, I find them around your board. If I want men who in the quiet walks of life teach the great moral principles to their friends and families ; if I want men fit to instruct, to support scientific institutions, to refine and stamp a value on education ; able to meet the best intellects of the country in legislative debate or to give efficient advice in the councils of the Queen's representative and possessing the confidence of the country, I find them around this board. If I want men who rely on each other ; who in private domestic associations are respected ; who cherish their families and unite to strengthen the moral independence of the framework of society, I find them around this board. Is it, then, any wonder that I feel proud to be among you? Is it matter of surprise that I and my colleagues should feel excited and exalted by the high compliment paid us?

There are many things connected with the occasion particularly grateful

¹ Messrs. Howe and Annand were returned for the county, the vote standing—Howe, 1085 ; Annand, 923 ; Murdoch, 506. Mr. McNab was returned for the town.

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to my mind. About four years ago, a number of our opponents met in this very room to charge the Reformers of the Province with treason and rebellion. Five months ago, as many as sit here met for the purpose of denouncing your representatives and threatened to force them from their seats. If on either of these occasions, those persons had had the gift of second-sight and could have seen in anticipation this hour—could have seen the wealth and talent and independence which are met here this night, they would perhaps have shown less presumption. They who met to denounce us as abettors of treason would now find that we have Her Majesty the Queen and Lord John Russell on one side, and the Governor-General, Lord Sydenham, and the Governor of the Province on the other, cheering our endeavours, and saying "Well done, good and faithful servants." This change is grateful and pleasing to me and to my colleagues; it is pleasing to some who are not in our position. There are associations beside those mentioned, connected with the occasion. The Great Teacher said, speaking to His disciples, that those who would be honoured should humble and abase themselves and that the highest should wash the feet of the lowest. On this occasion, your late representative and he who sits beside him in the chair of this meeting, although neither occupying a seat in the Councils of the country, both hold a position morally and politically higher than any in House or Council. We may well boast that whether we are called to continue or to retire, to occupy our seats or to withdraw from them, the popular, the Liberal party, are ready to do one or the other. There are times when the triumphs of others touch us more sensibly than our own. If I feel proud and honoured on this occasion, I feel more so because my enjoyments are shared by the men that I see around this board, who through evil and good report, when the banner of reform fluttered in the gale and was often sadly shaken, stood beside the staff, shook the bunting to the breeze and faltered not in their public duty. There are men here who, in other times and other scenes, would have dared death for their principles and would have laid their heads on the block rather than desert them. I am proud on my own account and more so because these men, who struggled so long and steadily under the flag of freedom, see it at last waving its graceful folds above their heads. I may say in the words of the immortal bard, "Now is the winter of our discontent made glorious summer by the sun of Falkland." Having weathered this tempest, we have at last attained that position for the country which makes it an honour to be a Nova Scotian, native or adopted. To take one more lesson from the bard of Avon: I would, with old Prospero, here break my wand, cast aside my spells, and be done with excitement; because the times have changed and peace and happiness extend over the land. I hope to call no more spirits from the vasty deep of agitation, but henceforward to urge you to employ your energies in support of the Government of our choice and for the furtherance of measures calculated for the general good.

Allow me also, to improve this occasion by warning you that you must not as the friends of Liberal principles expect too much from the Government at

present established over us. Our duty is to give to Lord Falkland a generous, manly support; to assist him in carrying out measures which we believe useful and wait with patience where difficulties arise and not expect that everything can be accomplished at once. I would now say that so long as you feel confident that his Excellency's views aim at the progress of the country and its institutions,—so long as you feel convinced that we are acting zealously in your behalf,—give us credit for good intentions; and where we fail, believe that we have done the best under circumstances, but that difficulties which we could not surmount intervened.

There was a time when, looking round the community and the Province generally, only a few could be found who cherished the spirit of reform; but now I feel that if myself and my colleagues were to perish to-night,—if we had to withdraw at once from all sublunary scenes,—that although the grass might grow above us, our principles would not die; they are engrafted in your hearts and in the hearts of your children, and I defy all the cliques and compacts in the world to tear them thence and prevent them from being preserved and perpetuated in the country. Nova Scotia has a high duty and destiny before her. Looking to her narrow boundaries, you may say that it is a small country and the inhabitants few; but her influence is wide and important. There is no sentiment uttered here to-night which in ten days will not be read on the shores of Lake Ontario. By such means it is that this little Province has more influence and power than could be imagined, looking at her geographical extent alone. She has an influence in New Brunswick, in Prince Edward Island, in Lower and Upper Canada; and my pride and hope is that we shall make Nova Scotia, by her loyalty, intelligence and spirit, as it were, a normal school for British North America, to show how far British liberty may be assumed in a colony and at what point it should stop, and the people be content. My own belief is that by the change which has taken place in our constitution and by your intelligence and virtue, we may become a wholesome and bright example to all our sister colonies. You gave the health of a nobleman whom I was proud to see remembered. I allude to Lord Sydenham. To his penetration and firmness we owe the changes which have recently taken place, and we cannot make a better return for the favours conferred by his Lordship than by throwing the influence of Nova Scotia into the scale of Canadian politics, strengthening his hands, and giving the principles we value a wide circulation, until in the language of the toast, Great Britain “sees her fairest features reflected in the western wave.”

The elections throughout the Province were most satisfactory. All the members of the Executive Council were returned, but at the same time there was a very decided majority of Liberals sent in to maintain the ground that had been won, should there be any disposition to go back to the old principles of government.

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The following is Mr. Howe's review, published in April 1840, of Solicitor-General Johnston's speech; it was addressed "*To the People of Nova Scotia.*"

Fellow-Countrymen,—The speech of the Hon. Solicitor-General, at the late public meeting in Halifax, is a document of some importance at the present time. It is important from the position and character of the speaker, from the occasion on which it was delivered and from the use which has been attempted to be made of it, as a means to aid the system of government agitation now going on throughout the country. It is important to you, because it treats of topics involving your dearest interests, and to me, because it attacks the policy of the majority in the Assembly with whom I have acted, and upon some vital questions the soundness of my political opinions.

To affect to treat such a document with indifference would be to display but little knowledge of the state of public opinion in British North America; to pass over it in silence would be to admit the assertion of its admirers that it is conclusive and unanswerable; to assail its positions anonymously would not be doing justice to a gentleman who has thrown himself boldly into the arena; nor would it be satisfactory to the calm and reflecting minds throughout the Province, by whose deliberate judgment, founded upon evidence, the questions at issue must be ultimately decided. I have concluded, therefore, to put my own name to a review of the learned Solicitor's speech, in doing which, I think I am not doing more than his frequent references to myself would warrant, nor than both friends and enemies would require of me at the present time. My object will be to set before you, in language so plain and simple that even the unlettered cannot mistake my meaning, the grounds of my belief,—that whether the learned Solicitor-General's speech was intended as an attack upon the Reformers, a defence of the Governor, a vindication of the conduct of the Legislative and Executive Councils, or as an argument against executive responsibility for the colonies,—that, upon each and all of these points, there has been a signal failure which renders the triumphal boastings of the opposite party ludicrous in the highest degree.

Before referring to the speech itself, let me mark a peculiar feature of the present times which its delivery serves to illustrate. Some years ago when a few friends and myself in the capital began to press those reforms, many of which have been so happily accomplished, and to advocate those principles which we still, under better auspices, proudly assert, nothing could exceed the contempt and indifference with which our efforts were viewed by the party in power. When we met in the long room in the Exchange Coffee-house, we could not persuade one of those who had anything to hope or to fear, to enter the room or take any part in the proceedings. From the door of the reading-room, which adjoins it, they would sometimes look in, with faces expressive of astonishment, that the humble men before them should have the assurance to discuss the mysteries of government and devote an hour to public affairs. But

times have changed. Those who rule begin to fear that they cannot hold their positions but with the consent and support of the great body of the people; and on the occasion to which I refer, Councillors and officials were seen smiling blandly upon tradesmen and mechanics, whom so recently they affected to despise; the wealthy merchant with one foot on the threshold of the Council and doubtful whether or not he would get leave to draw the other after it, exchanged greetings with the humble dealer, whom, elsewhere, he would hardly have known; and more surprising even than all this, there stood Her Majesty's Solicitor-General, a member of both Councils and confidential adviser to his Excellency Sir Colin Campbell, defending the policy of the Government and the conduct of the Governor before the "Halifax mob."¹

Of course I attributed all these condescensions to the same cause to which you will probably attribute them. Surely, thought I, these strange things would never have happened had not the political discussions of the last few years made the mass of the people less intelligent, less united and infinitely less powerful than they were; depend upon it, all this consideration and civility result from the weakness displayed by the Reformers at the last election and from their utter inability to use any great influence upon those which are to come. When I reflected upon the share that I had had in producing this change, I was delighted to find that the learned Solicitor forgot to make it part of the general charge which he brought against the course that my political associates and myself had pursued.

I must confess, that in putting the learned Solicitor-General forward to defend the structure and policy of the Government, no little tact was displayed by the opposite party. No doubt they calculated largely upon his influence, both in town and country, among a body of Christians who do not usually think with them; no doubt they thought that because to a certain extent they hated him for the liberal views he was known to entertain in religious matters, to the same extent he would probably find favour in the eyes of many who preferred those views to the bigoted and narrow rule of exclusion upon which they have hitherto acted. There was policy, too, in selecting a man who had only the sins of a few years to answer for, and who had not been for any length of time mixed up with the measures which have rendered the Government so distasteful to a majority of the representative body and those they represent.

If some policy was shown in selecting a defender, it must be acknowledged that the skill of a practised advocate was also displayed in choosing the topics of the defence. The whole case was made to turn upon the propriety or impropriety of the rejection of two measures by the Legislative Council; of these I shall speak by-and-by. In the meantime, I may observe that the charge against Sir Colin Campbell and his advisers goes much deeper. It touches not merely the *acts*, but the *construction* of the two Councils; and I assert that

¹ This was the polite name applied, at the time, to any public meeting for political purposes called in the capital.

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even if all the Solicitor-General has said upon the subject of the Civil List and the judiciary was entirely satisfactory, still the main charges against Sir Colin Campbell would remain untouched and would be of a character sufficiently grave to justify the representatives of the people in asking for his recall.

Before proceeding to the consideration of the three branches into which the subject naturally divides itself, I cannot but pause a moment, to consider the charge made against the Reformers,—that they had “not fairly represented to the country” the conduct and sentiments of their opponents. “Well,” thought I, when this accusation gravely fell from the lips of the learned Solicitor, “can you be serious, or is it possible that close application to other and more important duties leaves no leisure for an examination of the contents or an estimate of the character of the Provincial press?” No doubt Mr. Johnston meant what he said and spoke in all sincerity at the time; but that he spoke without reflection, anybody may be convinced that turns for a moment to the facts. During the four years that I have been in the Legislature, a person of known character and attainments has been employed to report the debates for *The Nova Scotian*. Passing over minor discussions, all the leading debates, those to which the speaker must have referred, have been faithfully and fully reported. It is true, the debates in the Legislative Council have but seldom been given, because no weekly paper can furnish both; but as their conduct and policy, whenever attacked, has always found able advocates in the Assembly, all that could be said for them has usually gone to the country with all that was said against them. It is true, that a great deal that has been said and done in both Houses and many documents connected with the public business, have been omitted or laid aside until their interest was gone, merely because there was not space to spare; but so scrupulous have I been upon this point that I cannot call to mind one powerful oratorical display made by one of my opponents, bearing upon any of the great questions which divide the population, that has been intentionally suppressed; while some of the most sarcastic and successful personal attacks upon myself and my friends, some of the ablest vindications of the opposite policy, are to be found faithfully recorded in *The Nova Scotian*, and often *nowhere else*. And it is a curious fact that during the last session the only persons who complained of injustice having been done them were two conspicuous members on the Reform side of the House. While I have thus “misrepresented” the party with whom the learned Solicitor acts, what has been their conduct to me? I could turn to a dozen reports in the papers which they patronize in which my speeches have been either emasculated or entirely omitted, while those of my opponents have been given at full length. I could turn to others in which I have been made to utter nonsense too egregious ever to have entered into any man’s head, and to one instance, fresh in my recollection, where in a report of a skirmish in which on all hands it was acknowledged the enemy got the worst of it, the victory was given to them, a column or two being filled with single speeches on the other side, while mine, which occupied

upwards of two hours in the delivery, was compressed into about ten lines. CHAP. VII

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So much for the conduct of the Reformers and their opponents in the most important department of political instruction to the people. Let us turn to other departments. *The Times* and *The Pictou Observer* are the most conspicuous organs of the Government party; *The Journal* extracts everything which can make against us and sometimes insinuates a great deal that is disreputable; but is generally guarded and respectful in expression. But I ask the Solicitor-General to range over the wide world of political discussion and (omitting some of the London Sunday papers that live by libel and black-guardism) to select two organs of any party more industrious in defamation, more reckless and unprincipled in general management, more foul in scurrility, more false in fact and inference, than the two papers through which the public conduct and personal character of the majority in the Assembly and those who support them, are constantly assailed. I put it to him to say if there is a political or personal slander that could enter the most fertile imagination that has not been vomited through these precious publications, against some one if not all of the members of that majority. I ask him if one act of mine that was capable of perversion has not been perverted; if I ever got credit for one effort, however worthy, in any cause, however good; and if any part of the public conduct of either myself or my friends has ever been, through these, the favoured organs of the local government, "fairly represented to the country"? And if not, I ask the Solicitor-General, as an upright and conscientious member of that Government, has he ever raised his voice against that wholesale and indiscriminate slander, and if he has not, how he can stand up before the country and make it a matter of charge against men so assailed that in placing their own views before the people, they do not always present in the most favourable light the conduct of those who set them such an example? If I chose to turn to the newspaper files during the existence of the two bodies, I could lay before the learned Solicitor ten columns of misrepresentation and abuse of the House of Assembly for one that could be produced reflecting on the Councils; and therefore, in this department also, I am prepared to maintain that the local government have had the advantage.

But there are other modes of "misrepresentation" besides those afforded by the press. There is the industrious dissemination of direct falsehood and slanderous insinuation through the varied channels of social life. Far be it from me to suspect the learned Solicitor-General of any participation in this dirty work; but I tell him that in this department also, many of those with whom he has been associated and who now cower beneath his gaberdine and look to him for shelter and defence, have laboured most assiduously, and that here also the advantage has not been on our side. I have heard of such things, as one near relative of a grave dignitary standing at his shambles day by day, and relating one scurrilous invention after another; and a second relative, who could not speak of the majority in the House of Assembly without

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hinting at treason and rebellion. And I have often felt how a word or a line could wound and wither and yet I have also felt that the cause in which I was engaged did not require that every blow should be returned or that every circle that chose to throw stones should have their glass house beaten about their ears. I have heard of such things as an Executive Councillor secretly retailing one direct falsehood and another gross and fraudulent perversion of fact and quoting the highest officer in the Government as his authority; and yet I have not thought it necessary to follow even such distinguished examples; contenting myself with dragging these lurking calumniators before the public whenever I could trace them and making them pay the penalty of exposure. I claim, therefore, for myself and for those with whom I have acted, not only a degree of fairness in representing the sayings and doings of our opponents to the country, but a degree of magnanimity and forbearance, often under the greatest provocation, to which the party opposed to us cannot lay the shadow of a claim.

Let me now turn to those topics which form the staple of the learned Solicitor's speech—the Civil List and the judiciary—repeating again what I have stated before, that even if all that can be has already been said upon these subjects, yet is Sir Colin Campbell left without any defence. But can no more be said upon them? Has the vindication, even of the acts of the Legislative Council, been so triumphant as to silence any complaints of the systematic violation of Her Majesty's commands in the construction of that body?

The views which the majority of the Assembly always took of the casual and territorial revenues were, that those revenues were vested in the Crown, not as personal property to be capriciously lavished upon individuals or withdrawn from the country, but as a trust fund to be husbanded with economy and expended for the benefit of the whole people. In seeking a transfer of those revenues, they thought that as the representative branch had always promptly met every just demand upon the local government—and as there was no reason to believe that it would be less liberal in future than it had been in times past—it was most unwise to have a separate source of income at the command of the Governor, over which the House had no control; and which, by being applied to raise the salaries of a few officers far above the means of the colony and the general scale of remuneration to others, created jealousy and uneasiness, and fostered extravagant notions which continually menaced the Provincial Treasury on the one hand, while it injured the tone of society on the other. The House believed that the representatives of the people would appropriate those revenues more wisely than the three or four public officers who usually managed the fund and whose only care appeared to be to see who should get the most out of it. Perhaps they also thought, as the chief part of those revenues was derived from a most extraordinary monopoly of the mineral resources of the Province, transferred to individuals for a period of sixty years, that the Crown was bound to make atonement for a

grant so impolitic by making the small income it produced productive of some advantage to the people. In return for the revenues demanded, the House always professed its readiness to grant, either for the life of the Queen or for ever, an adequate Civil List; making the salaries of the Governor and the judges permanent. It did not conceive itself bound, in making this appropriation, to give to all the officers who had hitherto managed this revenue, the whole amount of salary which they had given themselves. It thought that its duty was to take a fair view of the whole subject; looking to the claims of existing officers; to the duties to be discharged by future incumbents; to the relative emoluments and duties of other officers, already provided for; and to the pressing demands of the public service, in various important departments, for every shilling of surplus funds; and having done this, to pass such a bill as should finally settle the question.

Those who took a lead in this measure did not conceive that they were to be tied up by the claims of officers who from one cause or another had hitherto been paid out of all proportion to the resources of the country; or that they were bound to give them during their lives every farthing that they had hitherto received; nor did they suppose that they were excluded by the language of any despatches, founded upon the *ex parte* statements and remonstrances of those officers, from making to the Government a proposition which in their deliberate judgment they believed to be rational and fair. Now what was their proposition?

The present Governor and his successors in office were to receive the full sums required by the Colonial Secretary. Sir Rupert D. George was to receive during his continuance in office, £1100 currency, independent of his receipts from the registry. £700 was to be the salary of his successor. The Chief-Justice was to receive £1100, besides his travelling fees of a guinea a day. £973, 10s. was to be given to any future incumbent of the same office; which with the travelling expenses would have secured to the highest judicial officer of the Province in all time to come about one thousand Province notes; Judge Halliburton having during his life about £150 more. The puisne judges were to have now and hereafter £700 each; which with a guinea a day for travelling expenses during about three months that they were on the circuits, would have made nearly £800, to support their dignity and ensure their independence. The Master of the Rolls was to receive £700 a year.

In addition to these sums, which were to have been permanently appropriated in the bill rejected by the Legislative Council, every other charge borne upon the revenues to be surrendered was to be provided for by the annual votes of the House.

Now I think, when you have calmly examined this scheme of appropriation, you will hardly agree with the Solicitor-General that it involves anything very illiberal on the part of the House, unjust to the officers, or perilous to the "public honour." A more wise and reasonable measure, I believe, never

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passed the Assembly; nor was one ever conceived or carried through in a better spirit. I served on the committee which framed the bill, and I never saw the duties and claims of officers more fairly considered; nor a more sincere desire manifested to quiet and finally dispose of a vexed question; and when the bill was reported, I did not believe for a moment that it would be rejected by the upper branch. Let us suppose that it had passed both branches with a suspending clause and had been sent home with an address from the two Houses, calling the attention of Her Majesty's Government to the few points on which it varied from the despatches, but stating that the whole subject had been gravely weighed and considered, and that in the opinion of both Houses it was a wise and reasonable arrangement. Does any man doubt that it would have been agreed to at home?

But, says the Solicitor-General, it would have been unjust to the Chief-Justice; because he had taken certain fees which amounted to more, and an arrangement had been made with him by which they were relinquished. Let me invite your careful attention to this, the strong point of the Solicitor-General's case, if it has a strong point at all—of which you may have doubts by-and-by; but for the present, bear with me while I try out the merits of this objection.

Suppose that at this moment, the Chief-Justice were in possession of those fees; suppose that no question as to their legality had ever been raised; suppose that they were not only not illegal but expressly sanctioned by legislative enactment; but that growing with the growth of the country they had become excessive: will the Solicitor-General venture to deny to the Legislature the power and the right to abate, or even to abolish them altogether, or to vary the mode of payment or the amount of provision in any way that they might think proper, in order to save to the country a surplus unwisely drawn; provided always, that they left to the officer a liberal and generous provision for his services and paid him at a rate far above rather than below the scale of remuneration running through the other departments of the public service? I think, even if the Chief-Justice were "remitted" back to the situation in which he was in 1837, that the arrangement proposed would have been fair and just, and no breach of the "public honour"; and I shall be mistaken if, when you have reflected on the subject, you do not think so too.

But, says the Solicitor-General, there was an "arrangement" with the Colonial Secretary, founded upon the fees. Well, if there was, this did not limit or restrain the power of both branches to pass upon the whole subject; nor did it put the Chief-Justice in a stronger position than he would have occupied, or endow him with any rights more sacred than he would have had, had the fees continued still in existence. I maintain, therefore, that admitting the legality of the fees—whether they were still continued or discontinued—the two branches had the right to pass upon the whole question, subject, of course, to the approval of the Crown; and that in securing to the Chief-Justice

of this little colony £1100 per annum besides his travelling fees, there would have been no breach of the "public honour."

But when it is considered that the Chief-Justice had hardly come into the receipt of the fees before they were disputed; that the representative branch had again and again declared them illegal; that the arrangement had been made by the Colonial Secretary, without the benefit of any counsel or advice from either branch of the Legislature, as to the amount of remuneration necessary for the Chief-Justice and upon that officer's representation of his own case; how much stronger does the right of the two Houses appear, to legislate wisely and independently, upon the whole question? And what necessity was there for the Legislative Council to assume that the Sovereign would not reconsider the affair? Or what right had the Council to anticipate that Her Majesty would not do justice to the country at large, even though some sacrifice was to be made by an individual? Mr. Johnston strenuously insists upon the right of the Legislative Council to assert its independence of the Lower House, when the revenues of the country are to be squandered; and have not we a right to claim for it equal independence of the Crown, when those revenues may be saved?

Having then, as I conceive, established the right of the two Houses to deal with the whole question independently and to place before the Crown such a measure as (if the Government at home chose, upon reflection aided by the deliberate opinion of those who were the best judges, to sanction) would quiet doubtful claims and lead to the transfer of the revenues,—let me inquire for a moment what guarantees we had that the bill would have received at home the most favourable consideration? What are the general views which the Home Government have expressed in reference to this matter?

"It is not to Her Majesty's Government," says Lord Glenelg, "a matter of any serious concern whether the salaries to be assigned in the Civil List be of greater or less amount; provided only they are sufficient for the maintenance of the officers in whose favour they are granted, in that station of society to which they must belong." And then follows an admirable injunction to economy; in which, while his Lordship deprecates the idea of public officers setting an example of extravagance, he declares, that he is "not only willing to admit but anxious to assert, that in fixing the amount of official salaries in British North America great frugality should be observed." It was, then, to a Government thus most favourably disposed to entertain any proposition—even though it might, in some of its details, not meet every previous arrangement—that the Council was asked to send the Civil List Bill; and I utterly deny the propriety of its interposing between the Sovereign and the people's representatives to prevent the question from being reconsidered; nay, I assert that if that body had been constructed as it ought to have been, under the despatches of Lord Glenelg, it would not only have passed the bill with a suspending clause, but joined with the House in an address praying that it might be accepted.

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You will perceive that I have followed the example of the Solicitor-General and argued this question upon the case of the Chief-Justice. If I am right, then all that has been said applies with equal, if not greater force, to the claims of the other judges and Sir Rupert George. And the next questions for you to ask, are: Were the sums granted sufficient for the maintenance of the officers; and, if less than they expected, were their claims to more stronger than the claims of the whole population of the country to the benefit of the surplus?

One would suppose, from the manner in which violations of the "public honour" are talked of, that at the time when some, if not all of these officers were appointed, there was such a dearth of fit and proper persons that the Government and the people of Nova Scotia had to lure them from other and more profitable employments and solicit their acceptance of the situations they hold, purely from regard to the public welfare. Will any man assert that this was the case? Will any man deny that all these parties were rejoiced to get them; that, at the dates of their appointment, there were others to be had, equally competent; or that the applicants for them, whose claims were rejected, were not grievously mortified at the time; while few, if any, of the disappointed have been able to support from their private income the same style of living which those men have since indulged in at the public expense?

Take the case of the Chief-Justice. A young officer gets tired of the army, quits it and studies law. After practising a very few years, he applies for and obtains the situation of puisne judge with a salary of £400 a year. If it be said that it was the prospect of becoming Chief-Justice that tempted him, I answer that the emoluments of the Chief-Justice at the time were less than the amount granted in the bill which the Council have rejected; and therefore, that the Province is guiltless of any blame in either taking him out of the army or placing him on the bench; and that £400 at first and £600 down to 1836—independent of fees to the amount of about £100 or £150 more—were sums sufficient to secure to the country the benefit of his services; and that if any one of the chances that might have debarred his elevation had occurred, he would have gone down to the grave like any other judge never asking or expecting more than £700 or £800 a year. Now, let us suppose that on the retirement of Judge Blowers, the Government had said to Mr. Haliburton: "You may have this situation, but it is proposed to reduce the income to £1000 or even £900 a year." Would he have taken it? Do any of you believe that he would have refused it? And yet are we to be told of violations of the public honour when we offer the same officer £1100, independent of travelling fees? Will you credit a charge of injustice against the majority of the Assembly, who in including this office in a general arrangement, gave to the incumbent a larger salary than any officer in the whole range of the department of the public service which he voluntarily selected, had when he entered it—£700 a year more than he had when he first tendered his services—and £400 a year more than he had, down to a few years before the Legislature was called upon to claim the revenues and revise the public expenditure of the country?

Let us turn to another of those unfortunate individuals with whom the pledged faith of the Government was to have been so strangely violated. Sir Rupert D. George inherited the office of Secretary of this Province from his father, when a mere youth; and performed the duties of it by deputy for some years, until it suited him to make the pitiable sacrifice of burying himself for four hours a day in the south-west wing of our Province building with the paltry provision from one source of revenue or other of some £1600 a year; a range of patronage by no means insignificant, and easy access to the ear of every Governor upon all occasions. I have never yet heard that any great anxiety was expressed by the people of Nova Scotia to have the services of this young gentleman. I have never heard of any brilliant prospects abandoned; nor have I ever been able to discover the manifestations of talent and information so commanding as to have ensured for this individual a destiny more enviable than that which awaited him here. Sir Rupert, I am willing to admit, is a very good officer; that is, he is what they would call in England a first-class red-tape man but nothing more. On occasions when it has pleased him to absent himself from the Province for a year or eighteen months I am not quite sure that anybody missed him, although his duties were performed by gentlemen of the same range of talent with himself for about half the amount assigned to him in the rejected Civil List Bill.

So then, the Province of Nova Scotia having taken a mere stripling of ordinary talents at his own request, and given him an enormous salary—having allowed him to absent himself and do the duty by deputy whenever he pleased, a privilege of which he has availed himself several times in a short life—is not to be permitted to pass a general measure affecting the whole Civil List and the casual and territorial revenues of the Crown, unless it gives to this gentleman the uttermost farthing which, while those revenues were chiefly at his own disposal, and he had unbounded influence with Governors and Colonial Secretaries, he had the conscience to give himself!

But what were we going to give him? Had we shaved so close that Sir Rupert was to be left without a sufficient sum to maintain him in the station in which he was bound to move? Was his case so desperate as to require the interference of the Legislative Council to prevent Her Majesty's Government from reconsidering it? How much, think you, had the House assigned to the Provincial Secretary? Just the sum given to the Chief-Justice: £1100 per annum. Was this all? By another bill, making various alterations in the registry department, and which was also rejected by the Legislative Council upon the same plea, that it did not give the uttermost farthing, Sir Rupert was to have received, in commutation of his claims upon the deputies in the country, a pension of £200 a year. So that he was to have been paid out of the revenue of Nova Scotia, in all time to come, just thirteen hundred Province notes, or four thousand one hundred and sixty British crowns,—and this is what Mr. Johnston calls a violation of the "public honour." When you reflect that the allowance was more than double the amount given to the

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Provincial Treasurer—more than the whole sum given to three judges of the Court of Common Pleas—full as much as the sums awarded by private companies to the cashiers and managers of three banking institutions in this town, will you lend your voices to swell the cry of injustice raised against your representatives for not granting more, or will you hold the Council excused for the rejection of the bill?

Yet it may be said, that the puisne judges and Master of the Rolls were to be affected by the bill and injustice was about to be done to them. Let us examine this ground of charge. When the Master of the Rolls accepted his present office the salary was £600—the bill secured to him £700—and it gave to each of the other judges an equal sum. Of Judge Wilkins's prospects and practice before he accepted office, I am too young to say much; they may have been great, but at all events the bill secured to him a larger salary than that for which they were voluntarily abandoned. Of the injury to be done to the two other judges, perhaps many of us are competent to form an opinion. I have heard the friends of Judge Bliss say that he never did make, while in practice, more than £300 a year; from what I saw of the business of courts and from circumstances which were notorious at the time, I feel confident that for several years previous to his acceptance of office, Judge Hill did not on an average make more; and yet these are the men for whom £700 a year and ninety guineas for travel was not considered enough. Poor gentlemen! it really is distressing to think of the straits to which they would have been reduced, had not the Legislative Council kindly stepped in and prevented this breach of the "public honour."

To me it seems rather strange that so much solicitude is sometimes manifested to protect the faintest shadow of claim which wealthy individuals may have upon the revenues, when wholesale injury is often inflicted upon the poor, for the public good, without anybody ever appealing to the public honour. For instance, how often do we see whole lines of road abandoned for new and better ones; by which those who have built and improved, upon the faith of the old roads going past their doors, are deeply injured, if not reduced to poverty and ruin. This is an everyday occurrence. The plea is the public good; the saving of time and distance to the great body of the people. Individual interests give way to a general measure of economy and improvement; no man questions the right of the Government to make the change—the people submit, even to ruin, without a murmur. But then, these are generally poor people and the Legislative Council does not think it necessary to interfere; their sympathies are only excited by the sufferings of the rich, and they only assert the public honour when judges and secretaries are concerned. A few years ago a general system of improvement was begun in the streets of Halifax; and as it progressed thoroughfares were blocked up, small dealers injured, poor people compelled to mortgage for the enlargement or repair of property, half buried or completely undermined, and not a few were driven out of the country, with broken hearts, the result of a general

measure, sound in principle and aiming at the general good, but often crushing and ruinous in its details. Here was a case for the interference of those whose sympathies have of late been so painfully aroused. Did they interfere? Contrast the injury done to hundreds with that done to four or five individuals under this Civil List Bill. Many of those persons lost their all; every one of the officers to be touched by the bill was to be left with a generous if not a munificent allowance. The plea was the same—the public welfare, the necessity for a general arrangement; but there was a difference of rank and fortune; a difference in the ability to make “the public honour” bend to private protection, and a large amount of suffering was borne in silence. The sorrows and misfortunes of the great are often depicted in novels and set forth in eloquent orations, while the calamities of the humble are regarded as of small account.

So much for the Civil List Bill. Let me now turn your attention for a few moments to that which touched the judiciary. Under the beautiful system which the Reformers began to assail a few years ago, you are aware that this little Province became blessed with just ten judges. Though it was for a long time stoutly denied that there was one too many, it is now generally allowed on all hands that six are more than enough to do the work. In the first session of the present House, a bill passed which, according to the Solicitor-General, would have “crippled” both courts, by taking one judge from each bench. Into this question I shall not go further than to say that it would have given to three of the judges about six, and to the others about three months’ work in the year; and the only objection to it that ever seemed to have much weight—that of allowing knotty points to be decided by two judges out of three—applies with double force to the Admiralty and Equity Courts, where more property is, I believe, annually disposed of than before the Supreme Court, and in which a single mind decides. But let that pass. The bill was rejected by the Council and another sent down.

Now you will perceive that this bill, while it abolished the inferior court, so far as concerned Nova Scotia proper, continued it in Cape Breton and seemed framed to preserve the anomalous system complained of in three counties of the Province for no other reason than that I could ever perceive than to spare the judges of the Supreme Court the trouble of travelling twice into Cape Breton. I thought at the time, and I think now, if the Council had looked more to the general interests of the country and less to the feelings and interests of individuals, that it might have been as well. However, such a bill as this it was impossible to pass. We were therefore in this position; what a majority in the House wanted, the Council would not give them; what the Council proposed did not extend uniformly over the whole Province and had to be rejected. After three sessions had been spent in negotiation and discussion, a bill was passed by the House, abolishing the inferior court, appointing one judge of that court to the Supreme bench, giving to each county two terms of the higher tribunal in a year, and without unnecessarily mixing the

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judges up with the business of the sessions, calling those courts at about the same time with the others, in order to avoid the too frequent attendance of the people as jurors, suitors, and auditors—by which there would have been a very important saving of the time of the country. This bill was destroyed in the Council without any conference being asked or reasons given, and when we came to couple this act with the destruction of the Civil List and Registration Bills already referred to, what were we to think? Had even one been passed, we might have been disposed to yield our own opinions upon some of the others; but the whole were prostrated; and no sooner had the session closed than a system of agitation was commenced under the auspices of those who rejected these bills, in order to drive out of the Assembly those who passed them. You may be duped: you may lend yourselves to this system of agitation; you may return the subservient body of representatives so anxiously desired; but if you do, I am much mistaken if ever you get these questions settled on anything like favourable terms or get the number of your judges reduced to six. Put in the tools you are asked to select, if you choose; but do not say that those who ought to have warned you shrank from the task.

What are the reasons given by the Solicitor-General for the rejection of the Judiciary Bill? “Two years ago,” he says, “the same measure with some modifications went from the Council to the Assembly.” Well, and when we sent it back to them, adding another judge, to cure the anomaly as respected Cape Breton, then they would not pass it. But, he says, it was “defective in its details”—“some matters the Council could not mend”; but why was not a conference asked or suggestions made? Why were not the defective details pointed out, that the united wisdom of both Houses might have been employed upon them? Was there not time? Even had the session lasted a few days longer, would not these have been well spent in perfecting those details? But when no attempt was made—when no conference was asked—when this bill also as well as the other two was destroyed—what was the House to think? What are you to think of the destruction of the Civil List and the Registration Bills upon the grounds already examined; and of the Judiciary Bill, for the reasons assigned by the Solicitor-General; particularly when you trace to some of the principal agents of their destruction the system of Government agitation now going on throughout the country and which, if successful, will certainly prevent the Legislative Council from ever being troubled with them again?

I trust that I have now shown you that the speech of the learned Solicitor-General hardly affords even a figment to cover the nakedness of the Legislative Council; that the grounds of suspicion, if not of grave accusation, against them remain intact and unremoved. You may ask me, do I charge upon Mr. Johnston any corrupt motives or insincerity in this matter? No; I only charge upon him what he has charged upon me. “Men bound in parties,” says the Solicitor-General, “cannot at all times follow their own opinions and may be

obliged occasionally to surrender their feelings." I charitably believe that in these matters he has surrendered his; and I am not without my suspicions that unless the learned gentleman shakes himself clear of the party with whom he has been and is yet associated, there may be further sacrifices to make, which few persons would lament more sincerely than myself.

I have thus far argued this question as it affects the acts of the Legislative Council; but you will perceive that whether the view which Mr. Johnston or I take be correct, the defence of Sir Colin Campbell must rest upon very different grounds. The rejection of these bills may illustrate or confirm the opinions which the House formed of the construction of that body; and had they passed, there is no doubt that less of practical evil might have been traced to its formation. But I assert, without the fear of contradiction, that if they were all upon the statute-book at this moment, still Sir Colin Campbell would be left without a shadow of defence; and that, if the House of Assembly had asked for his recall upon the ground of his violation of Lord Glenelg's despatches alone—to say nothing of his attempt to evade and final refusal to act upon that of Lord John Russell—they would have been amply justified and ought to be sustained by the suffrages of the country.

Having, as I hope, to your satisfaction, disposed of the learned Solicitor-General's charge of misrepresentation against the Reformers, and of his arguments in favour of the rejection by the Legislative Council of the Civil List and Judiciary Bills, it becomes my duty to inquire whether, as a defence of Sir Colin Campbell and his advisers, the document under review affords any solid foundation upon which a sound and unbiassed mind can safely repose. Let me therefore set before you some of the clearest and most emphatic of the Sovereign's commands, and show how in every instance they were violated and not obeyed.

VIOLATION THE FIRST.

Command.—Members of Council are to be selected, "not only without reference to distinctions of religious opinions, but in such a manner as to afford no plausible ground for the suspicion that the choice was influenced by that consideration."

Execution.—Of thirty members put into the two new Councils, eighteen were Churchmen. But it may be said, there were the old members to dispose of. True, but of the eighteen new members chosen, just eleven were Churchmen.

How has this direct, flagrant and unnecessary violation of his Sovereign's command been atoned for by Sir Colin Campbell? By giving to the Church just three out of six of the recent appointments; thus perpetuating the clear and decided majority in favour of one religious body, whose numbers are but one in five of the whole population. This was done after the Marquis of Normanby had reiterated the commands of Lord Glenelg and insisted on

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strict adherence to the principles laid down. Had Sir Colin dared, in the field, to have thus violated a clear and express command sent to him by the Duke of Wellington, the Duke would have put him under arrest and tried him by a court-martial.

VIOLATION THE SECOND

Command.—"It is the desire of Her Majesty to entrust the duties attached to members of the respective Councils, to gentlemen entitled to the confidence of the great body of the inhabitants."

Execution.—Of four Executive Councillors, selected from the Assembly, three were taken from the minority, comprising but about one-third of the whole, and but one from the majority, composed of the other two-thirds. Of four members taken into the Legislative Council from the House, three had opposed many, if not all, of the clauses of the address of 1837, and one possessed so little of "the confidence of the country," that in two or three elections for the township in which he lived, he was generally put in by the smallest possible majority of a very small constituency, and in fact, only secured his seat by the interference of non-resident voters, sent from the capital, a distance of forty-five miles, to his aid; while in the House he had voted in a minority of four, against the very address which led to his elevation.

VIOLATION THE THIRD

Command.—The Marquis of Normanby, on the 31st of August last, writes to Sir Colin Campbell (and this, be it observed, is the very despatch to which he referred the Assembly when they took up their resolutions early in the session)—"With regard to the Executive Council, I feel very strongly how desirable it is that it should be composed in a manner to command the co-operation of the popular branch of the constitution; and although I do not desire to fetter your discretion upon this subject, yet I shall be glad to learn that you shall have thought it expedient to offer, as the occasion for doing so may present itself, seats to some of the leading members of the House of Assembly."

Execution.—The appointment of the Hon. Alexander Stewart, after by his conduct in the Legislative Council and as a member of the counter delegation, he had hardly left a friend in the Assembly who could open his mouth in his defence.

Any person who will take the trouble to ponder upon these facts, will be compelled to come to the conclusion, which was reluctantly forced upon the mind of every member of the majority, that Sir Colin and his advisers were proceeding systematically upon two or three leading principles. First, to perpetuate in both Councils a preponderating Church influence, insulting to the feelings, if not injurious to the interests of Dissenters. Second, to prevent the possibility of the House securing the cordial co-operation of either Council,

in their efforts to reduce the expenditures of the country. Third, to confide in and patronize the minority only ; taking care, while speaking the majority fair when their assistance was needed, to exclude their leaders from the Executive Council upon one pretext or another ; never either offering to appoint or appointing, more than one or two at a time, to be swamped by an overwhelming preponderance of Tory influence in the Council and to be distrusted by their own party in the House.

Now it will be perceived, that whether the Legislative Council were right or wrong in the rejection of the Judiciary and Civil List Bills, these charges against Sir Colin Campbell, these gross and systematic violations of the vital principles laid down in the Colonial Secretary's despatches, still remain unexplained, and as I believe, entirely indefensible. I assert therefore, without fear of successful contradiction, that if the House had in 1838, immediately upon the publication of Lord Glenelg's despatches and the gazetting of the appointments, asked for the recall of Sir Colin Campbell, they would have done no more than their duty ; and that if after four years' experience of his character and policy, after exhausting every means within their reach to induce him to change the latter and to try back towards the sound principles he had violated, they had failed to do their duty and ask for his recall, then would they have been the veriest cravens that ever betrayed the confidence of a free people.

Passing over for the present Sir Colin Campbell's treatment of Lord John Russell's despatch, it becomes my duty now with all humility as the honourable Solicitor-General has made some charges against me, to put a few questions to him, upon the answers to which, whatever respect I may still entertain for his private character, must assuredly depend the degree of consistency to which he is entitled as a public man. "I am a Dissenter," says the Hon. Mr. Johnston. I reply, "You are ; but how comes it that you are to be found associated with and defending a Government, which in defiance of the express commands of the Sovereign, with an artful consistency, violates the just rights and wounds the feelings of Dissenters, by drawing from among one-fifth of the population three-fifths of the members of the Councils ? How comes it that you are the advocate of a Governor who in the person of one of its ablest ministers offered a most gratuitous insult to the very communion to which you belong ? And how does it happen that you are now lending yourself to a political movement, intended if possible to crush the man who most deeply resented that insult and who has laboured steadily and consistently to give to the Dissenting interest its just rights and its fair share of influence in the Councils of this country ?"

The Solicitor-General says that he did not seek a seat in the Councils, that it was forced upon him. I can well believe it, but I wish I could believe that in accepting and holding a seat in such Councils—in defending the principles upon which they were formed—and the conduct of Sir Colin Campbell in departing from his instructions—he has not left some of those who highly respect him and would gladly see him take the independent position that he

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might occupy, to search in vain for motives sufficiently strong to induce a public man to sacrifice so much, even from the sense of obligation, which the tenure of a Crown office might seem to impose. Had he said to Sir Colin Campbell, "As a Crown officer, I cannot lend myself to any glaring and systematic violation of the instructions of the Crown; as a Dissenter, I cannot consent to the galling and unnecessary preference which you contemplate giving to one-fifth of the population over the other four-fifths, who are entitled to the same consideration and to the same honours; and as a man who thinks with the House of Assembly upon a number of important questions, and who differs with the high Tory party upon many more, I protest against the formation of an administration in which the majority in the former are to be shut out from any influence in the Government and the same overwhelming preponderance is to be secured to the latter, which the House and Her Majesty's ministers have already alike deprecated and condemned." If this language had been held by the Solicitor-General to Sir Colin Campbell and if he had been firm in his determination to have no part in the matter, not because the situation was foreign to his habits, but because he would not seem to sanction a violation of instructions which he did not approve; an insult to the great Dissenting interest of which he was a conspicuous member; a disregard of the feelings of the Reform majority with which, to a certain extent, he sympathized and an exaltation of that party to which he certainly owed no respect—my own belief is that Sir Colin Campbell never would have dared to have violated his instructions in the manner he did or to have disregarded advice from such a quarter, thus independently tendered. Had he done so and had Sir Colin ventured to deprive Mr. Johnston of his office on account of his independence, I believe that that gentleman would have been reinstated by the express command of the colonial minister and have strengthened his claim to the respect both of the people and the Government.

It is mere mockery for Mr. Johnston to tell us that he "agrees with me in the eulogy upon Lord Glenelg's despatch and desires to see its principles in operation." He knows or ought to know that it has been the systematic violation of some, if not all of the principles laid down in that despatch, in the first instance, and the pertinacious consistency with which that violation has been aggravated, rather than atoned for, in the recent appointments, that has led to events which I believe we both equally deplore and that has forced the Reformers to assert and maintain the principle of executive responsibility in local affairs, as the only remedy to prevent the perpetuation of a system of exclusion and injustice, which they have struggled against in vain and which no strength of language can sufficiently condemn. And when Mr. Johnston lauds the old system, am I not entitled to ask him what other remedy than that which we have applied, it affords for a case in which a Governor will not obey his instructions and persists in acting upon principles, the very reverse of those laid down by the ministers of the Crown? Patient submission or a demand for his recall, I believe to be the only alternatives. There may

be some other, but I must respectfully request the Solicitor-General to point it out. CHAP. VII

But, says Mr. Johnston, under the old system the sons of poor men have been raised to the highest honours of the country. I admit it. In Nova Scotia the poor boys of one generation are generally the rich men of the next. But what is claimed as a peculiar merit of the old system has occurred under every oligarchy that has ever been formed in any country, from the necessity felt by all such combinations to neutralize opposition and call into their ranks new accessions of strength. But will Mr. Johnston affirm that any or all of these men would have been so honoured if they had rendered themselves conspicuous for the assertion of liberal principles? Will he assert that majorities have not always been retained, favourably disposed to protect the emoluments and strengthen the power of the official party by whom they were appointed? Will he assert that under that system a majority ever can be placed in the Executive Council who will cordially sympathize with the Representative branch or submit to be restrained by its influence? And if not, does he not perceive that such a system only holds out a prospect for the poor boys of one way of thinking; that it is no more like the British Constitution "than I to Hercules";¹ that it strikes at the root of freedom of thought and manly independence and never can and never ought to be viewed with favour by any body of British subjects?

"What Englishman," says the Solicitor-General, "would deny that the representative body should govern to a great extent? The practice is English and I would not be an Englishman if I wished to cripple the power of the Assembly." But will the Solicitor-General affirm that the House of Assembly has the slightest influence in the government of this Province? And will he deny that from the very absence of all control over the administration its power to influence the legislation of the upper branch, so wisely and successfully employed in England and recently in Upper Canada, is not "crippled" and rendered of no avail? On the subject of the delegation it is not my intention to waste much time. One thing however is certain, that if whenever the representatives of the people deem it indispensable to conduct negotiations with Her Majesty's Government, two lawyers are to be selected from the other branch and indulged with a pleasure trip at the public expense, to thwart the views of the Assembly and press their own claims to promotion, and if the Assembly cannot pay their own delegates without wasting the public treasure by paying these gentlemen also, why then there is an end to all negotiation between the people and their Sovereign; the only desperate remedy for inveterate evils is swept away, and a new argument is supplied in favour of local responsibility which no man can successfully controvert. But it is said the Council is an independent body and can incur any expense it pleases. I answer, that if they could send Messrs. Stewart and Wilkins to England on mainly false pretences and in defiance of the expressed opinions of the House,

¹ "Hecuba" in the original print.

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then can they employ the same persons during the current year to make a survey of the great roads of the Province for the information of the Council and insist upon their being paid before the Assembly's grants for similar services are passed; then can they authorize any one of fifty ridiculous expenditures that might be named and compel the Commons to provide the expense.

But, it may be said the House of Lords have the same powers. Suppose the Lords were to send up a request to the Queen that two of their members should be despatched on a confidential mission to Russia, that request would be at once submitted to a Cabinet dependent upon its majority in the Commons for its very existence. If that majority were favourable to the object, the mission would be sent and there would be no difficulty about the expense; if unfavourable, no minister would dare to sanction the measure and no expense would be incurred. I tell Mr. Johnston then and defy contradiction on this point, that all the difficulties which have been felt about the delegation expenses have grown out of the absurd and anomalous system which he defends; and that, if the simple principles of government we advocate had been in operation, the perplexity upon this point by which both he and I have been to a certain extent embarrassed, never could have occurred.

I must confess that I was not a little amused by the subdued and deprecatory tone used by the Solicitor-General in pleading for the old system with which although habit and association have made him familiar, I cannot persuade myself that he is much in love. "I ask you," said he, "to bear in mind the peculiar circumstances of the country and not to expect too much under the existing constitution"; and the people looked at him as though the most they "expected" was to get rid of it. "The Assembly treated the Executive Council as if responsibility rested on them, although they knew that it did not. Every bad act had been charged on that body, although it was well known that it did not govern the country." Now the fact was that the Assembly knew very well that by the theory of the old colonial constitutions the responsibility did not rest with the Council, but that in practice, they must and did govern to a great extent; and they saw clearly enough, that the government of the Province was conducted in almost everything where the commands of Her Majesty and the power of the House could be set at naught, upon the well-known and avowed policy of the Tory and official compact of this Province. They felt therefore, that it was but right and fair to attack the Governor's advisers. But these gentlemen generally turned round and said, "Why complain of us? If our mouths were not sealed, we 'could a tale unfold'; we are not responsible; why not attack the Governor? We are as innocent as the babe unborn." When we complained to the Governor individually, he sometimes told a different story; but when we complained publicly, he generally gave us to understand, that he alone was responsible—that he took the responsibility—that he was highly pleased with his Executive Council. "Oh, very well," thought we, "if you are both agreed upon that

point; if there is no mistake, if there is no chance of changing the administration but by changing the Governor, then we know what to do; aye and have the energy and moral courage to do it." We voted for Sir Colin Campbell's recall, an act of painful necessity, but one which I shall reflect upon with satisfaction to the latest hour of my life; and one which the great body of Nova Scotians, however they may have been momentarily excited, will, upon calm reflection, be prepared to sustain.

"The Governor was not bound to take the advice of his Council, or to consult with it but in a few matters," says Mr. Johnston. And what a melancholy picture does this exhibit of the system! Any two or three individuals, either in or out of the Council, getting the Governor into leading strings, may do just what they please; neither branch of the Legislature, nor even the Council itself, knowing who gives advice or who is to blame. And yet this is the system which the Solicitor-General defends. For the sake of common sense and of our common country, let it be swept away with other barbarous absurdities of bygone times and let us have a body of Nova Scotians, whose mouths are not sealed, whose acts are known and whose advice in all local affairs Governors shall be bound to follow, and then we shall have open and manly competition among ourselves and hear no more about "poor old soldiers" being sacrificed by one part of the population for petting and patronizing another. "No member of the Council," says the Solicitor-General, "has been brought forward charged with any wrong-doing; let the finger be placed on the fact and I will answer it." Surely he must have laughed in his sleeve as the simple people around him gaped at this truism, which yet meant nothing, and as a special plea was unworthy of his powers of invention. Will Mr. Johnston have the kindness to explain how proof of wrong-doing can be brought home to any member of Council? Suppose his colleagues are interrogated, they are sworn to secrecy. The member is not likely to turn Queen's evidence upon himself; and if the Governor is asked, he is bound to say, "I take the responsibility; not only cannot I accuse, but it is my duty to defend." "I doubt not," says Mr. Johnston, "that the Executive Council have made many mistakes;" and yet but a moment before he told us that they had little or nothing to do. Among the mistakes, however, they never made a greater one than in supposing that the people of Nova Scotia could be reconciled by the cry of "poor old soldier!" to an irresponsible Executive Council—to in fact, a Council chiefly resident in the town of Halifax and utterly irrespective of the opinions and holding themselves far above the influence of the members freely chosen by the people.

The remedy for all this, I believe to be an Executive Council enjoying the confidence of the Assembly. As the members of Council, in order that the Government may be efficient, must reside in and about the capital,—or at all events such a number of them as may be required to conduct the administration,—the people who own and improve the other sixteen counties should at least have the assurance that their interests and feelings, aye and even their

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prejudices, have been consulted in the selection, and should have some mode of signifying their disapprobation and moulding and modifying the administration, whenever it forfeits their confidence. Without this the Government is nothing but an oligarchy, self-elected from a particular town, which with power to draw into its bosom the merchants, bankers and lawyers of that town, as they become rich enough to make their support an object, can rule the country as it pleases. It is not to be wondered at that those who have long possessed this monopoly should strive to defend it. Nor is it surprising, that persons who consider themselves qualified by the weight of their pockets and the subserviency of their principles for immediate or prospective elevation to a share in its honours, should spring forward to its aid on all occasions. Hence the recent outcry in the capital, which has been caught up and re-echoed by the compacts in the different counties, to whom the patent right of enjoying their patronage and managing their affairs has been disposed of, in return for this sort of feudal service in all times of difficulty and danger. If I could persuade myself that a small part of the inhabitants of one county should thus govern the rest; if I could by any train of reasoning bring myself to believe that such a system was fair and just, my best policy would be to follow such distinguished examples and bow the knee to Baal. But though a native and resident of the capital and having the honour to represent it, I cannot narrow my views to the compass of a few miles; nor forget that my countrymen, whose labour is enriching and adorning the length and breadth of the land, have the same rights and claims as myself and my immediate neighbours. I contend, therefore, for a system of government by which a man who is ploughing the sea in a Yarmouth trader, tilling the soil of Cornwallis, or sawing deals in Cumberland, shall feel that he has the same rights and the same prospects before him, that he would have if his lot had been cast within the favoured circle; and therefore it is, that I contend for what has been called responsible government, but which is nothing more than the old British system under which our brethren in Europe have lived and prospered ever since 1688, and by which mutual confidence between the representatives of the people and the representatives of the Sovereign is made a fundamental and indispensable element in every administration of public affairs.

I do not gather from the learned Solicitor-General's speech, that he is a determined opponent of this system; and I should think it very strange if he were, when the Solicitor-General of Upper Canada, recently appointed, has declared that he has joined Mr. Thompson's administration because he has reason to believe that the Government will be conducted on the principle of responsibility and that the moment he finds there is a diminution of parliamentary confidence he shall resign not only his seat in the Council but his Crown office also.¹

¹ On the 27th of February last, Robert Baldwin, Esq., Solicitor-General of Upper Canada, wrote a letter to H. J. Boulton, Esq., formerly Chief-Justice of Newfoundland, who is now an open advocate of responsible government, from which we extract the

But, though Mr. Johnston does not boldly assail this principle, he hints a number of objections, which make me suspect that it is not a favourite, and that the tranquil reign of irresponsibility would please him better than a government dependent on popular favour and the confidence of the representative branch. When I heard him say, "I do not oppose responsible government, on the main principle, if I oppose it at all," I felt a strong hope that we only differed as to the mode of obtaining it; but when one after another difficulties and objections were started and contrasts drawn, by which it was attempted to be shown that the principle could not be carried out in a colony, I was reluctantly compelled to bring my mind to a different conclusion. Let us examine a few of these objections by which the ignorant and the timid either have been or may be startled by the Solicitor-General.

"No man," says he, "has explained the distinction that must of necessity exist between the government of a colony and that of the mother country. There is the difficulty which I see." Now although this assertion has been printed in italics, I take leave respectfully to deny its correctness. In the pamphlet I published on the subject last autumn, the distinctions were clearly drawn; and if every imaginable shade of difference was not taken into account, enough was said to show how easy these might have been met, had the intention been to write a volume and not a pamphlet. That "distinctions" must "exist between the government of a colony and that of the mother country," no man in his senses will deny; but the onus lies with the Solicitor-General, to show that these are of such a nature as to render a principle, which lies at the foundation of the one, wholly incompatible with the safety of the other. I believe that amusing contrasts may be drawn between the temples in which we worship and the tables on which we dine, but I know

following passages. There certainly appears some difference of opinion between the two Solicitors-General. Mr. Baldwin says:

"In the first place, I distinctly avow that in accepting office, I consider myself to have given a public pledge that I have a reasonably well-grounded confidence that the government of my country is to be carried on in accordance with the principles of responsible government, which I have ever held.

"1st. As Her Majesty's Solicitor-General, I hold myself responsible, both to my Sovereign and my country, for the carrying out of that enlarged policy in the conduct of public affairs, in which, as to all such subjects of general importance as your letter refers to, I assume that the views of both will henceforth be found to coincide. But on any such question, should the wishes of the Crown and those of the people come so far in collision as to result in a withdrawal of parliamentary confidence, I should feel it to be my duty to resign.

"2nd. I am of course an officer of the Government and as such subject to their direction; but whenever, upon any such question of general importance, my own independent judgment shall not lead me to coincide in the views of the Government, I shall feel it my duty, both to my Sovereign and my country, to resign; or to repeat the answer in another shape, whenever I feel that the Government is to be carried on upon principles adverse to those which I profess, I shall cease to afford them my support, humble as it is, and what I conceive upon my own principles a necessary consequence, shall cease to be a servant of the Crown."

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that the same scientific principles apply to the construction and security of both. I believe that even yet all the absurd objections that might be urged against revealed religion or against the British Constitution as applicable to Great Britain itself, have not been urged and answered; but yet, it has not been thought necessary to postpone the rational enjoyment of either until the ingenious perversions of the human intellect, "never ending, still beginning," have been exhausted upon them. Neither do I think that we should put off the introduction of the principle of responsibility—the only one by which harmony between the Executive and Legislative branches of the Government can ever be preserved—merely because some ingenious objections may be raised from year to year. The few blows yet aimed by the Solicitor-General may be easily put aside.

"Were there not controlling checks over the Commons, which do not exist here? If the same power were given here, would it not be greater, relatively, than they have in England? What were the checks on the power of the Commons? There was the immense power of the ministry in new elections; there was the great control from wielding the patronage of Government; there was the influence of the court and of those about the court; there was the established hierarchy and the aristocracy: none of these checks existed in the colony."

Now I affirm that every British colony has all these checks for the preservation of order and the rational management of its affairs, over and above all the other checks which may exist within the colony itself, and that our obligations to proceed wisely and prudently would be ten times more stringent and our risks from violence or bad faith much greater than they are in England. The constitution of Nova Scotia—the new constitution, conferred by Lord John Russell and withheld by Sir Colin Campbell—if in full operation, might at any moment be suspended and withdrawn by the Imperial Parliament. Should not the examples of Canada and Jamaica be before our eyes on all occasions, restraining and checking us even if disposed to be unreasonable? But what overruling and restraining power exists anywhere that can as effectually prevent an abuse of the principle of responsibility in England? This I conceive to be a sufficient answer to all that the Solicitor-General has urged upon this point. If disposed to examine the strength of the internal contrasts which he draws between the two countries, but which I consider quite unnecessary after what has been said, I might show that there is not a great deal of reliance to be placed even upon these. The Solicitor-General will not, I think, venture to affirm, that the people of Great Britain and Ireland cannot turn out a ministry whenever they please,—“the patronage of the Government,” the influence of “the hierarchy” and “the court,” to the contrary notwithstanding. The Tories had all these and yet they were turned out by the people, and have been kept out for years and can only return to power when they can persuade the people and not the court or the hierarchy that the Whigs are going too far. As to the influence of “the aristocracy,” the prizes to be won by popular

favour always secure, even for innovation, a fair share of their support, and the prestige of the Governor's name would have double the influence in Halifax that the name of the Queen would have in any city in Britain. The Solicitor-General knows full well that the most Radical constituency in all England is that in the midst of which the Sovereign resides. "Westminster's glory" was the familiar sobriquet which Sir Francis Burdett enjoyed in the palmy days of his Radical notoriety, and at this moment Mr. Leader, whose name is mentioned with such horror by Conservatives in the colonies, represents that portion of the metropolis which surrounds the palace of the Queen.

"But," says the Solicitor-General, "would it not be a mere struggle for power, without the influence of great constitutional questions which are felt in England? What would be the objects of contention here? Whether A. should have the sweets of office or B. turn him out." Now admitting that this is a fair view of the case, why should not A. and B. struggle for power and office and the people decide who is to have them, rather than that A., being in possession and leaguings with C. D. E. and F., should shut B. and all the other letters of the alphabet from office or from any influence in the Government? How often, even in England, does the contest between parties assume the aspect of a mere struggle for power? If the Solicitor-General would take the trouble to run his eye over the correspondence of Horace Walpole, he would find upon what flimsy questions the fate of Cabinets has hung and what contemptible arts are sometimes resorted to, to secure victory or avoid defeat, by parties struggling for power.

But the learned gentleman is mistaken, in supposing that there are no great questions or principles of any importance in the colonies to form the touchstones of party or upon which rival combinations could be arrayed, as they are at home. Compared of course with the gigantic interests at stake in England, every question that arises in the colonies is comparatively insignificant; but "little things are great to little men," and to little Provinces, and I could point to a dozen questions of internal policy upon which the intellectual powers of our public men have been engaged during the past ten years, and to a dozen more which will probably engage them for the ten years to come, that were or will be of just as much importance to the people of Nova Scotia, as were the questions upon which ministers have come in and gone out in almost every reign since 1688. It cannot be otherwise in the very nature of things. Such questions arise out of the gradual growth and progress of every country, however small, and are magnified and clothed with importance, real or fictitious, by the ceaseless activity of acute and energetic minds, varying in natural endowments and in the degree and kind of cultivation they may have received. The perils of the sea are no less on board of a shallop than of a "seventy-four"; and although the freight may not be so valuable and the number of hands may be comparatively small, there is the same necessity for skill and intelligence; it is of the same importance, in the one case as in the other, that the ablest mariner should assume the responsibility and take the command. It is true

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that ships have been lost and shallops too by making interest and not merit the rule of promotion. Provinces have been sacrificed in the same way ere now by the operation of the Solicitor-General's system of government, and it is for this reason that I so anxiously desire a change. The internal securities against abuse of the new Constitution are :

1st. The skill and prudence of those who may be tempted, and who must be aware that in no way are they more certain to lose power than by daring to exceed its constitutional boundaries ;

2nd. An able opposition, ready to point out their errors and assume their offices ;

3rd. A Legislative Council, independent to a great extent of the people and the Crown ;

4th. A Governor, who may dismiss his Council and dissolve the House whenever he chooses and who has a veto on every act ;

5th. The people, whose loyalty and love for British connection are undoubted, and who every four years may rebuke or dismiss public men who are going too far.

If all these are not sufficient to ensure moderation and good behaviour, why then the Imperial Parliament can be called in, backed by the army and navy.

In coming now to the consideration of Lord John Russell's famous despatch, it is only necessary for me to refer you to the Assembly's address, for a faithful account of the views they took of it and of the impressions under which they acted in their subsequent negotiations with Sir Colin Campbell. They found that, while in New Brunswick that document was hailed as conferring a new and improved constitution upon the colonies, in Nova Scotia it was sent to the Assembly with a voluminous bundle of papers, unaccompanied with a single remark ; that while in the sister Province it was formally communicated to the officers it was intended to affect, here no such intimation of the new tenure of office was made public and the whole matter was treated by our councillors and officials as one in which they had scarcely any concern. When the Assembly acted upon this despatch, the Governor acted as though it was not in existence ; and when, in order to put an end to such child's play, they called his attention to it and to the manner in which it had been received in the other colonies, he doubted the correctness of the reading adopted almost universally except by the parties it was intended to affect and said he must refer the whole matter to England.

This it has been said, was a very proper course to adopt in a doubtful case. It might be ; but it was the very best that could be selected to serve the interests of the official compact and the very worst blow that could be aimed at the hopes and interests of the people. A reference home gave all the parties opposed to the new policy an opportunity of modifying or obstructing the minister's views by various representations about their superior claims and the hardship of their individual cases. It gave them the chance of a change of

ministry or at least of a change at the Colonial Office, and of the enjoyment of individual power for another year, to be used in every imaginable mode to annoy or baffle their opponents. What did it give to the Assembly? The assurance that the Governor, who had read Lord Glenelg's despatches backwards, was determined not to read Lord John Russell's at all; that the old policy was still to be pursued under the new constitution; and that the results of all their labour and anxiety were to be withheld, for another year at least, by a mere quibble, which no court in the country would allow to be pleaded to bar the operation of a statute half as plain or half as strongly fortified by explanatory circumstances, as Lord John Russell's despatch. Had they flinched, the minister might have thought them indifferent and acted accordingly; or a new Governor might have come out, to play over again the same game of solemn trifling. There was no choice, no middle course; the paths of duty and dishonour were before them; and the men who had accepted the high trusts you had reposed, discharged them with a firmness worthy of any cause. The dishonour rests with you if you fail them in their hour of need.

But, says the Solicitor-General, it was wrong "to send home, in his old age, disgraced, a man who had served as a soldier faithfully." Now, here is another instance in which rank and station strangely confound people's notions of right and wrong. Suppose a poor old corporal, with one arm buried at Badajos, a leg at Talavera and with a Waterloo medal around his neck, were placed in the dock, charged with some offence against the laws of the Province and his counsel were to urge his services in the field, as a reason why he ought to be allowed to violate the private rights of the lieges in Nova Scotia with impunity; with what indignation would the Solicitor-General rise and tread such a doctrine under his feet. He would tell his learned brother that soldiers were the mere servants of the law and the constitution and that those who had once been employed to defend these should be the last to attempt their violation; that fighting on the Peninsula gave no warrant for picking and stealing or assault and battery in Nova Scotia; that half an arm was no bar to an action of trespass; nor was a wooden leg an excuse in law for running off with another man's wife; and the old corporal would be tried, convicted and handed over for punishment, quite as a matter of course. But when an old general comes to be tried, it is quite another thing; a battle or two must be an excuse for any offence—even the violation of the dearest rights of a whole people and the distraction of a Province. They manage things better in England, where the independent expression of opinion on political subjects is never restrained, no matter who may happen to menace public liberty or retard the progress of improvement. Did the Solicitor-General ever hear of an old soldier called the Duke of Wellington, who was Sir Colin Campbell's commander-in-chief, and who, though the greatest captain of the age, wearing badges of distinction from every Sovereign in Europe, was driven out of the Government by the people of England, because they did not like his politics? "I will give you no reform," said the Duke to the people of England. "Very well," said the House of Commons;

"then we will give the Sovereign a hint to remove you from the Cabinet." "I will give you no reform," said Sir Colin to the people of Nova Scotia. "Very well," said the people's representatives; "then we will give Her Majesty a hint to remove you from the Government." There is a strange analogy in the cases; and who doubts that the results will be similar, notwithstanding the outcry that our Provincial Tories have raised?

I have thus, fellow-countrymen, gone through the speech of the Solicitor-General, and trust that I have redeemed my pledge, by proving:

1st. That the charge of misrepresentation, if it has any foundation at all, ought never to have been urged against the Reformers, because it applies with tenfold force to the party whom the learned gentleman defends and with whom he acts as a member of the Government;

2nd. That the reasons given for the rejection of the Civil List and Judiciary bills, by the Legislative Council, are unsound and inconclusive;

3rd. That the defence of Sir Colin Campbell and his advisers and of the old system of government has been too feeble and impotent to afford a shadow of argument upon which a rational mind can repose;

4th. That the Solicitor-General's attack upon responsible government should but endear the principle which the term involves more and more to the people of Nova Scotia for whose advantage it has been conceded by the Crown;

5th. That the charge against your representatives, of precipitancy, cannot fairly apply to men who had laboured for four years to avoid the necessity for an extreme step, rendered imperative at last by the folly of his Excellency's advisers; and

6th. That even eminent services in the field form no justification for disobedience to the Sovereign's commands and the maladministration of civil affairs.

In conclusion, I have only to remind you that it is for you now to pronounce your judgment on the conduct of the Reformers and their opponents. If you believe that the former have faithfully discharged their duty and are desirous to establish the new constitution, which they have laboured to obtain, fail not, at the approaching election, to return every member who has fearlessly upheld the cause of colonial liberty and to diminish by every means in your power the numbers of the minority by whom your interests have been perilled or betrayed.—In the meantime, I remain, through evil report and good report, your obedient servant,

JOSEPH HOWE.

CHAPTER VIII

1841-1842

Mr. Howe elected Speaker—Solicitor-General Johnston's speech—Mr. Stewart's speech—Mr. Howe's speech on points gained—City of Halifax incorporated—Mr. Howe's speech on Free Schools—Lord Falkland's speech in closing session—Mr. S. G. W. Archibald appointed Master of the Rolls—Mr. Johnston becomes Attorney-General and Mr. Uniacke Solicitor-General—Mr. Howe visits Upper Provinces and United States—Impressions of Upper Provinces—Political affairs in Upper Provinces—Legislation of 1842—Mr. Dodd's declaration—Letters of "A Constitutionalist"—Mr. Howe appointed collector of colonial revenue.

On the meeting of the new House on February 3rd Mr. Howe was elected Speaker, beating Mr. James Boyle Uniacke by a majority of two. This triumph was great, though the majority was small. For a self-trained man, who sat but four sessions, to spring into the Speaker's chair over the heads of four or five professional, and many older members, was a novelty in those days. Some of Mr. Howe's ordinary supporters did not vote for him, however; they gave the preference to Mr. Uniacke's admirable qualifications, or doubted the extent of their leader's knowledge of parliamentary law. That knowledge was not at the moment perhaps very great, but it was not Mr. Howe's habit at that or at any time to want what could be mastered by industry and research. He diligently studied Hatsell and the best authorities, and during the two years he occupied the chair his decisions were never disputed.

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Both candidates were members of the Executive Council, though neither held any office of emolument under the Government. In England the Speaker is a member of the Privy Council, but not of the Cabinet. It was clear, therefore, that if we had a Cabinet and as yet the development in that form was sufficiently obscure, our practice at this time was not in strict accordance with that of England. The discrepancy was pointed out, and Mr. Howe at once said that "if the House by resolution should say that the offices were incompatible, he would be prepared to vacate one of them." This was never said. A resolution was submitted, but withdrawn after debate,

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the majority being reluctant to lose Mr. Howe's services in the Executive Council at that period or to deprive him of a distinction fairly won by popular election. The practice has since improved. As a Cabinet, including heads of departments, has become a recognized institution, the Speaker of the Lower House is generally a prominent man, friendly to the administration, but without being a member of it.

On the 11th of February, the House went into committee of the whole, when Mr. Howe and other members of Lord Falkland's Council made their explanations. These were given in various forms of phraseology, all parties naturally feeling that they were trammelled by the past and touching on tender ground. All the members of Council in the Lower House, however, frankly acknowledged that a great change had taken place; that the members of administration, brought together by the force of circumstances, which had rendered a coalition desirable if not inevitable, were henceforward to hold their seats not by the life tenure, but by the tenure of public confidence; that they were to prepare measures in the recess and submit them to the Legislature, taking the responsibility of failure or success; that the Governor could free himself from any unconstitutional pressure by demanding their resignations, and that the House might at any time assert its power by resolution, and compel them to resign.

Had the explanations in the upper branch been equally explicit and satisfactory, much suspicion, irritation and subsequent conflict, would have been spared. But they were not. In a debate, which occurred there on the 17th of February, Mr. Wilkins made a curious speech, in which, after describing the sort of responsibility contended for by the House in its resolutions, and by Mr. Howe in his pamphlet, he denied that anything of the kind had been conceded. "He did not believe that the Province had obtained the English Constitution or that it could be obtained."

The Solicitor-General, Mr. Johnston, on the same day made a still more perplexing and unsatisfactory speech. After tracing downwards the series of measures that led to the recall of Sir Colin Campbell, he said :

The point at issue is not the mere mode of constructing the Councils, it is direct responsibility; the forcing of that principle on the representative of Her Majesty. The next inquiry is—in what position are the political affairs of the Province at the present time? How far has responsibility been conceded?

In point of fact it is not the intention to recognize the direct responsibility

which has been developed in the address. To concede such would be inconsistent with colonial relations. The Governor is responsible to the minister, who is responsible to the Crown and Parliament. If responsibility has not been conceded what has? I feel in attempting to answer that question that the subject is incapable of exact definition. The responsibility at home has grown up from circumstances. No statute or resolution contains any clearly defined limits of the powers of Lords or Commons. The constitution of which British subjects are so proud depends on the operation of principles reduced to practice, regulated not by defined rules or statutes, but by the good sense and intelligence of the people. If the prerogative presses hard, it meets with a counterbalancing check; if the claims of the people press on the prerogative, opposite checks are called into operation. The principles are undefined, but adapt themselves to public exigencies. So should it be here, and everywhere, where it is desired to have similar results. The moment attempts at defining are made, principles difficult to be controlled and calculated to cause dangerous conflicts are called into existence. They should be allowed to operate practically, regulated by the good sense and good feeling of all the branches. Direct responsibility is inconsistent with the circumstances of the country. What are the characteristics of the great country to which this Province belongs and which possesses responsibility? The orders of society there are various and well defined. There are the manufacturing, agricultural and moneyed classes; and popular feeling is modified and undue claims repressed by the operation of these classes one on the other. This Province is in very different circumstances. Excepting the large towns, the whole country is united in feeling. None are much elevated above others, all have nearly the same interests; and if direct responsibility existed here, and undue power were sought, corresponding checks would not appear. The whole pressure would come on the Crown and a collision between the people and the Government would be produced. Independent of colonial relations that responsibility cannot be safely possessed.

The changes cannot be defined in specific terms. It is not a change of the constitution as has been said elsewhere. The three branches will continue as before; the change simply is that it becomes the duty of the representative of Her Majesty to ascertain the wishes and feelings of the people through their representatives and to make the measures of Government conform to these as far as is consistent with his duty to the mother country. This is not to be effected by any declaration that he should do so; not by any power of the Assembly to say that it has not been done, but by calling to his Councils individuals possessing influence in the Legislature, who may advise measures that would secure confidence and harmony. Supposing they did not command the confidence, is the Governor bound, at the bidding of the people, to change his Councils? If that question were put in writing it would receive a negative from the Home Government. Yet who but will say, that in the present position of the Executive, some such power exists. If the Assembly passed such a vote, a Governor would do more than inquire whether that was the fact; he would ask

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the grounds of it. If he found those sufficient he might feel it requisite to make such changes as would comport to the general well-being and cause harmony; but if he found the complaint not of that character, it might be presumed that changes would not be made, but that he would appeal to the people, place himself on their good sense, and ask them if they would return men inclined to perplex and harass and make unreasonable claims.

I cannot lay my hand on any theoretic change. The system is not that sought last year by the action of the Assembly on the vote of want of confidence. Lord John Russell by his despatch refused that form of government; and I cannot but retain my opinion that the Assembly then was pressing for principles that could not be wisely conceded.

The power of the Executive Council has been heretofore very indefinite. How far they would be now considered responsible would depend on the discretion of those who administered the government. The Governor would take their advice when he considered it expedient to do so, and he would think it expedient in most cases, or they would be placed in difficulty respecting measures which were beyond their influence. Nothing would more tend to preserve the harmony desired, than that the responsibility of measures in the House of Assembly, should be thrown on the Executive Council as much as possible. They should have the burthen of as much responsibility as was consistent with the exercise of the duties of government. They would thus be more at liberty to vindicate than they could be if advice had not been sought and taken.

Mr. Alexander Stewart, another member of the Government, declared on February 18th that—

No change had been made in the constitution of the country and the principles of responsibility had not been conceded. Responsible government in a colony was responsible nonsense—it was independence. If the responsible government aimed at elsewhere, supposing the debates were reported correctly, were granted by a minister, he would deserve to lose his head. It would be a severing of the link which bound the colony to the mother country. The recent changes infused a principle into the Government, which conveyed by practical operation privileges not hitherto enjoyed by the people. It was not responsible government, however.

These speeches, whether so intended or not, created at once very great distrust in the House and throughout the country. It was evident that either the speakers did not understand what had been acquired or that they desired to cover their retirement from ground that was untenable by showing that it was of no value. A section of the old Liberal party had, from the commencement of the session, shown symptoms of hostility to the Government because it contained so few members from that side, and because it could not pledge itself (being restrained by a despatch from the Colonial

Secretary) to adjust the Civil List. Between his new colleagues and his old friends Mr. Howe had, during this session, his hands full. His first care was to reiterate and define the principles upon which the administration had been formed, leaving those who ventured to gainsay them their option, either to retire from the Council, to acquiesce in his definition, or to demand his retirement. On his attention being called to the speeches made in the Upper House, Mr. Howe said on February 28th :

I care not what has been expressed by others in other places, and I can only consider that the reporters have reported what could not have been said ; but if any man in the colony, in this House or the other, says that there is no change in the constitution, the person so speaking does not state what is the fact. If it be denied that the administration, and every administration to be formed in the Province, depends on the confidence of the popular branch for support, the denial is contrary to the fact, if the popular branch is true to itself. It is not a matter of taste or opinion, when the House passes a vote of censure, whether the Council shall resign or not. It may be matter of taste with the Governor whether he will dissolve the House or change his Council. The members of that body shall have no taste or discretion in the matter ; they are bound to tender their resignations, and if they did not do so, his Excellency would send for them in half-an-hour.

On the following day he spoke for two hours. He said :

One impression which has gone abroad from another place is that I, as one of the majority of the last House, am anxious to establish a form of government characterized under the term Responsible Government, which has been described as responsible nonsense and which differs widely from the system now established. Other views are also given of the objects of that majority. In my place, this day, in behalf of that majority, I demand proof of the assertions. In no document, issued from the last Assembly, are the words "responsible government" once used. The very form of government which that majority pressed for is the precise form which has been obtained. I hold the report of a debate that has occurred elsewhere in my hand, and there it appears that the majority has been charged with striving after some chimera described as *direct responsibility*. The fact is, that the responsibility striven for they have now secured. A vote of this House, now, may place the Governor in this position : he shall discharge his Council, change his policy, or dissolve the House. That is the system which every man of the majority had in view, and it is truly British. Sir Colin Campbell would do neither of the three. He evaded the despatch by which the new policy was announced. His Council would not resign ; he would not dismiss them ; he shrank from dissolving the House ; and finally, all parties in the colony shifted the responsibility off their own

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shoulders to those of the Secretary of State. That system is at an end. The responsibility now rests on the Governor and his Council, and whether it is called direct or indirect, it is sufficient to ensure good government. The direct responsibility which I, as an individual, contended for, has reference only to local appointments throughout the country. That opinion I yield, as an individual, to the better judgment of the Governor-General. The Governor, as the Queen's representative, still dispenses the patronage, but as the Council are bound to defend his appointments, the responsibility, even as regards appointments, is nearly as great in the one case as the other. I make these statements, in order that the country may be set right, and my own public character vindicated.

With the refractory members of his own side, he remonstrated with equal sincerity. He showed them how much had been gained; how impossible it was, when general principles had been yielded which secured to the people the right to mould and control the administration in all time to come, when four or five gentlemen had been removed and the conduct of affairs entrusted only to those who had seats in the Legislature, that he could continue a course of fruitless opposition or refuse to give his counsel and aid to the Queen's representative. He showed that he had twice refused a seat in the Executive Council because the principle of responsibility had not been conceded and that he had urged the Governor-General to leave him out of the new arrangement, pledging himself to sustain the administration if Mr. Huntington and Mr. Young would go in. The following passage from the same speech will show the tone assumed towards his old friends:

What position should the members of the old majority have taken up? Their principles had been adopted; they had shown their power by the choice of a Speaker; they should have kept a united front, supporting the Government cordially, but stimulating or checking it as circumstances should warrant. I did not think that their duty was to create the kind of opposition which was attempted and defeated from time to time, and which I was sorry to observe. Their natural position was proud and honourable, and they should have taken it up with dignity and maintained it with discretion. They had gained many concessions from the mother country, had made a fair, honourable arrangement; they stood on high ground, while their opponents had but saved their honour. Thus all were enabled to combine and carry forward the improvement of the country. I should be sorry to part company with old friends; we could do most good when together. While they acted with me we advanced from triumph to triumph, but within the past fortnight they have fallen from defeat to defeat. They should, according to my view, have taken a different position, should have supported the Government as established, giving it a fair

trial, and should have gone on developing and working out their own principles, so far as was consistent with the circumstances of the country. Thus they would have formed a wholesome check on the Government, if that body faltered in its duty, and would have held a position of weight and dignity. Would I, as a member of the Council, have had my hands strengthened or weakened by my friends occupying that position? By doing so, they would have remained united, and instead of showing the disunion and weakness which has lately marked their acts and councils, have been powerful for good or evil, which they were once, and would have continued, had they followed the course I have indicated. If they had done so, would the Government have denied them their just influence, as opportunities offered?

The effects of this speech were seen on the division, a motion intended to embarrass the Government being sustained only by a minority of six. A generous support was given to the administration during the remainder of the session and some valuable measures were passed.

Among these was a bill for incorporating the city of Halifax, which had been carefully prepared during the recess, and was brought down from the Government. It had the support of its members in both branches, and was passed by large majorities. It was the first fruit of the new system, and practically illustrated its value. Two years before a fierce battle, in which personal collisions were hardly avoided, ended in the defeat of a bill to incorporate Halifax.

Mr. Howe, during this session, made an attempt to introduce into this country the New England system of free schools, supported by assessment. No measure was brought down, but the opinion of the House was tested by an amendment, moved on the ordinary School Act. Public opinion was not prepared for this important change, and the proposition was negatived by a large majority. Mr. Howe's speech, delivered on the 22nd of March, is preserved :

I feel it may have been expected that I should have given some notice of the subject thus introduced ; but, as I was in the chair, I could not do so when the report of the committee was brought in, and I had not the opportunity in a subsequent stage. I consider that as the question is likely to be raised, whether or not common schools shall be supported by assessment, every member should have the privilege of expressing his opinion on the matter. I feel deeply interested in the question, and am anxious to get from the House a sanction of the only principle on which the Province can found general education.

Some questions are so broad in their base, so elevated in altitude, and involve so much of the dearest interests of the whole people, that they are raised far above faction and party, and require the calmest and gravest con-

sideration of every member. The subject now before the House is one of these ; and beside the deep attention which it requires, every one should feel the great responsibility which it imposes. The subject of education, in a Province like Nova Scotia, is one of the most important which the Legislature can be called upon to consider. Compared with it, questions of roads and of fisheries and of politics, sink into insignificance. Or as the member for Yarmouth, who sits beside me, has just suggested, these are all absorbed in the other ; for if the people are intelligent—if they are educated—they will not be without the means of raising money, of making roads, of forwarding enterprise and regulating matters of trade. Among the uneducated, nothing is established or firm, and the spirit of self-sacrifice—so necessary for the wise management of public affairs—is wanting. In inviting the attention of the committee to the matter, I hope that though we are so near the close of the session, we will feel its importance and give it the consideration that it demands. I have been on the committee of education for the last four years. When that body met for a first time, the step taken was somewhat similar to the action of the present committee. They took up the old School Act and made some improvements in it, concluding for various reasons that the country was not prepared for the principle of assessment. Some of those reasons are yet in force, and some of them have passed away. The committee resolved to recommend an additional £1000 in support of common schools and to go on under the old system. I regret the course that was pursued in the last House on this subject, and take some of the blame to myself. There was a majority in the committee and in the House in favour of the principle, but they were afraid to take the responsibility. One difficulty which existed then, but has been removed since, was that the Assembly and the Executive were in a state of conflict, and they felt that if they passed a law involving the principle, in carrying out the details it might be made to operate so unpleasantly as to excite the people, and so the popular branch would be cut up by the weapons which they themselves had furnished. The deliberations then were in the committee room, and the public knew little or nothing of what was going on. The committee felt that the matter had never been fairly tested and were reluctant to deal with the question in a spirit which, if entertained, might have settled it for ever. I feel satisfied that the gentlemen who brought in the present report have given much attention to the subject and have suggested several improvements. If the House should decide against assessment, perhaps we could not do better than adopt the amendments proposed, with some slight modifications. I do not mean to attack the report, but I feel it to be my duty to try the sense of the House upon the assessment principle before that document shall receive full concurrence.

Sometimes great questions are carried by pressure from without acting on the Legislature and sometimes by an intelligent Legislature pressing on the people. I believe the time is hastening when, in either of these ways, the principle will be carried ; when there will not be, throughout the length

and breadth of the land, a family to which the lights of a common school education will not be accessible. I am aware that in pressing my views, I will have to meet those who have asserted different opinions in the committee; but some of that committee agree with me, and I hope that others may be induced to do so. At the worst, I will appeal from them to the House,—to this committee of the Province,—and ask them to sanction the only principle which can lead to a sound system.

His Excellency's speech included suggestions on this subject; they contained the opinions of an intelligent stranger on the position of affairs as he found them in the Province. I am prepared to support the principle, not because it is so recommended, but as an individual member of this Assembly, from an opinion founded on my acquaintance with the state of society in the Province. Gentlemen may say that the principle of assessment involves great responsibility; but let me inquire, is there no responsibility involved in not accomplishing anything, in not doing what good is in our power? If I could see a large majority of the House declare that education should be within the reach of every family in the Province, that every child should get the rudiments of learning, I would willingly assume the responsibility and would cheerfully retire from the Assembly if that should be the penalty, satisfied that I, as one, have done good enough; that those with whom I have been associated have conferred great blessings on the country, and might leave subsequent legislation to our successors. I hope to see the day when that will carry, and to find, even now, in this committee, something like a free expression in favour of the principle. Members are apt to become so engaged with local interests as almost to unfit their minds for the calm consideration of great topics. But I appeal to gentlemen who are proud of the Province that they are entrusted to represent whether anything is so calculated to excite attention as the question, whether the people shall be universally educated, or one-third be allowed to remain in lamentable ignorance?

I may turn for illustration to countries which we should be happy to follow,—to those ancient systems which modern times are proud to imitate,—and ask whether it is not the duty of Nova Scotians, in this early stage of the history of their country, to endeavour after similar advantages. Look to the United States; persons have said that the free institutions of that country have caused it to make the progress for which it has become remarkable. I honour those who founded the infant republic,—under the circumstances they did wisely,—but was it the mere political institutions that conferred superiority? Were not the boundless resources of a young country operated on by almost universal intelligence? What gave an active population to the valley of the Mississippi, to the territory of Texas, to the western prairies, except a surplus population which had been trained in the common schools of New England. Massachusetts, by its almost universal mental cultivation, could throw off its swarms to every point of the compass, which were ready to direct and lead the way among new communities.

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In the olden time, it was well known, although the phrase is modern, that "Knowledge is Power." No people ever rose to eminence, no nation ever attained a brilliant rank in the pages of the past, which did not acknowledge the maxim. Who now runs over ancient story for the purpose of reading deeds of arms, of fields marked by carnage; who now tracks the steps of the rude destroyer, who made battles his pride and pleasure and set up a false standard of worth before a misled people? Is not the object of study, rather, the progress of knowledge, the growth of art and science, and the elevation of nations in the moral and intellectual scale. If the fact that knowledge is power was known in ancient days and prized, how much more should it be now, and in a country such as Nova Scotia. Look at its size, its position, the number of its inhabitants and by whom they are surrounded, and strong inducements will be at once seen for the spread of intelligence and by it the multiplication of power. We are but 200,000, in a narrow space, surrounded by millions. Are we not called on to increase our energies? and how? Is it by attempting to wrest power from those who constitutionally possess it—by assuming anything which a colonial condition renders inexpedient? No, but by increasing information and intellect—by adding to the intelligent minds who can illustrate the axiom that knowledge is power. Even when the Micmac roved unchecked through the wilderness, knowledge—the knowledge of the woods, native talent, energy and acuteness—gave one man influence over another and proved the truth of the maxim. Classic history teems with evidences of the superiority of the educated over the mere physical mass. How much more is this the case in modern times. Now, instead of the wooden horse and the catapultæ and the burning-glass, there are the battering-train, the shell and the army surrounded by all the appliances of modern science. Then, in the peaceful arts, they had but feeble attainments—now, there is the railroad, the steamship, the factory and all that so vastly increases human capability.

It may be said that the Province is only a small dependency of a great empire, and therefore it should be content with its present status. Would that be the reasoning of an intelligent youth, would he be satisfied with his father's character and acquirements and not seek reputation for himself? If that would be unwise and improper in the son of a family, so would it be in a colony, however small. The duty of the Province is, so far as it can, to emulate the example of that great country from which it sprang, and if possible to go beyond it in the intellectual race. If I am asked what kind of knowledge I would cultivate here, my answer is, first give your civilization a base co-extensive with the Province, and let, if you choose, its apex pierce the highest heaven of imagination and art. Start with the proposition, that every child shall have the rudiments of education—that from Cape North to Cape Sable, there shall not be a family beyond the reach of common schools; not a child who is not acquainted with reading, writing and arithmetic; give then the means for the highest progress, if you will, but make sure of the

broad basis for all. Be certain that all have the rudiments, leaving the higher steps, in the sufficiently abundant seminaries of learning, to those who may be inclined to ascend them. How is the Province to maintain its own station among surrounding multitudes? The mere boundaries may be protected by the armies of England; but the people will, of necessity, be influenced mentally and politically by those around them, as one portion of the human family operates on its neighbours—unless their intelligence and civilization are higher than those of the surrounding masses, in which case they will become the operating power. Leave education as at present, and the country must be influenced by the energy and talent of those around; make education co-extensive with the population, give the people a high position, and then they will exert an influence on all surrounding countries. Would not that be wise? Should we not emulate the bright example of the mother country, and prove that here the British blood and language and name have not degenerated? Although of necessity cut off from many means of information and stores of literature and learning, which time had accumulated there, we would show that we have made the most of our limited resources, and so far as we can, have elevated our portion of the people of America. Are there any who do not feel pride in the Nova Scotian enterprise which bridged the Atlantic with steamships and at other evidences of the Provincial character and genius which made the country better known at home? Are any so careless of the character of the whole people as not to give them all the advantages which they ought to possess? This may not be the time—the gentlemen may not be prepared to go into all the details necessary for perfecting a measure founded on assessment—but we should exchange views on it and compare notes, and so hasten the hour at which it may be secured.

The triangle is a simple figure, yet by its properties oceans are traversed and planets measured. The three elements of reading, writing and arithmetic are simple in themselves, yet the schoolboy, qualified with these, has the means of all knowledge; not of the mere information that is acquired by experience and observation, but of that which passes from hand to hand, and is the result of labour and genius and scientific inquiry. The gentlemen may feel the importance of what I am urging by asking what consideration they would allow these rudiments and all they had acquired by them, to be stricken from their minds. We are but fifty men; yet if that blank were made, would not the country miss our varied information? Where would our families turn for the skill which wisely conducted their affairs? Where would we ourselves turn for the accumulated stores on which we now rely for the duties of mature life and for the solace of old age? We are only fifty men assembled on the floor of this House; and if the idea urged is painful,—if we cannot bear the thought of being robbed of those sources of pleasure and power—if we would prefer parting with everything else than the knowledge and intelligence that distinguish us from the mass, we should ask ourselves, are there not ten thousand Nova Scotians growing up without the simplest rudiments of

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learning? The committee should also consider, if that number are growing up without any education, are those who have received some attention being taught as they should be? Have they the best system, or in many cases, anything like a system? Is there the uniformity that should exist on a subject of this importance? I am led to believe that many of those who are called on to impart the education provided by the Province, do not exhibit that missionary zeal which is requisite for carrying out the wishes of the Government. The adoption of the committee's report might do good; it might introduce more uniformity and efficiency, but it does not go far enough. Under the old system, or that proposed, the entire population cannot be educated; nothing but assessment will be effectual. Gentlemen from the country feel reluctant to say so, but the time will come when they will, and then the want of the rudiments of education will be considered throughout the country as lowering the caste of a family and as a state of degradation from which they can and shall emerge. All this can be accomplished only by plain speaking in this House; by acting with vigour and wisdom. I cannot state exactly what the present schools cost the people; that can be ascertained by returns from towns and counties; but I believe if these elements for forming a correct judgment were possessed, it would be ascertained that the amount required by assessment, in addition to what is now paid, would not be very large. The general board recommended would do good and might prepare the way for the wider system. But, when we come to that system, we should be ready to lay a tax of about £2000 a year on every county in the Province. Is that possible? I believe that it is, and that once levied, its beneficial effects on persons and property would cause it to be lightly borne. If there are thirty thousand children to be educated, the system will require one thousand schools, at an average of £60 to each, making in all £60,000. Grants from the Treasury may reduce this to £40,000; and that would include tuition fees, or all that is now paid for education. The amount to be drawn from the people would be spent under their immediate inspection, and would be circulated among themselves, and go back to their own pockets; the amount drawn from circulation would be scarcely worthy of consideration. Means might be devised to meet difficulties caused by the comparative poverty and thin population of some settlements. Impediments are anticipated from the action of the different religious bodies, but these are not insuperable. A popular board of management would do much, and there is not anything sectarian in learning to read. The books read might bias the mind, but the means of after knowledge, the mere operation of reading, need not interfere with peculiar views. The same may be said of writing and arithmetic. Another difficulty relates to the teachers. They are described as in every way inadequate. The reason is, because no proper provision has been made for them. Until the whole matter is taken vigorously in hand, and properly arranged, we need not expect that fit persons will devote themselves to the employment. The question is one of deep interest. Is there a father in the House who does not feel anxious

solicitude as to the question to whose care he should entrust his offspring? It is one of the most perplexing inquiries to the mind of man. Should we not provide then for the whole people,—endeavour to accomplish that which is felt individually so important? Should we not provide for good teachers, for uniformity of system, for books and diagrams and the many appliances approved in other countries, but which never can be thoroughly introduced here without assessment.

An objection which presses on many minds is the unpopularity of direct taxation. It is unpopular in every country, although less so where it is experienced than where it is only spoken of. A change to direct taxation for general purposes would not be advisable; yet even under such a system, the country might prosper as well as under the present. But for the sacred purposes of education, for founding a Provincial character, for the endowment of common schools for the whole population, no hesitation need be felt at coming to direct taxation. Few, perhaps, are more worldly than myself or more alive to the value of popularity; yet I will willingly take all the blame, all the unpopularity that may be heaped on me as one who has a share in establishing that which I propose. You are representatives of the people, and I put it to you, as you are greatly honoured, should you not greatly dare? You are sent to do your duty to your constituents, whether your acts always give satisfaction or not. You are sent to represent the opinions of the country, when you believe the people are better informed than the House; but to exercise your own judgments when you feel convinced that you are better informed than the people.

I call on you, gentlemen, not to be too timid in risking popularity and not to reckon too carefully the price of doing your duty. Are you Christians, and afraid to lay down your seats, when He from whom you received the distinguished name laid down His life for you. Are you Nova Scotians, and afraid to do that which will tend to elevate the country to the highest moral grade? If so, you are unworthy of the name. It is your duty to raise and establish the character of the country as the character of other countries has been, by the intelligence of the people.

When the name of Swiss is mentioned, why does it impart an idea different from that of others? Because by love of freedom, of mental cultivation and by valour, that people have become celebrated. The Englishman is known by his manly bearing and honour. The Scotchman has earned a peculiar character for intelligence and good sense in almost every part of the globe. Have not Nova Scotians a name to acquire, and should not this Assembly do all in its power for the elevation of the public character?

Mr. J. R. DEWOLF: Should not some deference be paid to the "well-understood wishes of the people"?

Mr. HOWE: By governing according to the well-understood wishes of the people, is meant, the well-understood wishes of the intelligent; not the wishes of those who may not be informed on the subject to be arranged. Perhaps a

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majority exists, at this time, in the Province, opposed to the system suggested; but I trust not a majority of the well-informed minds. I admit that the wishes of the people who are known to be informed ought to govern the Legislature; but as the member for Queens would not yield his parental authority to his young family, when it is wanted to guide and control,—so, although the Legislature should defer to the intelligent, they should where they see necessity treat the uninformed as the father does the children who surround his knees. I know that that gentleman is too well aware of the advantages of education not to admit that if the two hundred thousand inhabitants of the country were all educated, they would be as useful for all national purposes as four hundred thousand without education.

Mr. DEWOLF said: "Yes."

I knew that the fact would be admitted by the good sense of the gentleman addressed, and should not an attempt be made to improve our system? Many measures have passed in the House which were scarcely understood by the people at the time; and it is our duty to do what is right, risking the consequences and throwing ourselves on the good sense of the people.

Our duty at the present time peculiarly is, to lay the civilization of the Province on a broad basis. A few years ago Nova Scotians were shut out from other countries, but now they are in close connection with the great lines of communication, and have means of rapid transmission to every portion of the globe. Formerly Nova Scotians might have lived like snails in their shells, satisfied that, if ignorant, the disgrace would be confined to themselves; and if enlightened, that their intelligence could scarcely break through the obstacles by which it was surrounded. Now, however, intelligent strangers from almost every part of the globe are to be met continually in the streets, and the natives of the Province are tempted by the facilities of travel to change their place of residence. Should we not be anxious that strangers may bear testimony to the intelligence of the country;—and that the young men of the Province shall be able to take advantage of the broad fields before them? We find that the millionaires of large cities are not always those who inherited riches from their fathers, but persons who have gone in strangers and acquired rank by integrity and intelligence. Nova Scotians, as well as others, will, if rendered capable, spread themselves over the world and compete for the prizes which high morals and capability may win. From every point of view, it is the duty of the Legislature to build education on a broad basis, to provide for the instruction of all classes of the people. On that we may erect establishments for the higher branches and provide means of cultivation for the more ambitious minds.

Many in the House may apprehend the political reaction of ignorance. If my constituents should desert me for adopting assessment, I would return home, pleased and proud and amply repaid, by seeing schoolhouses rising in every direction and troops of children coming from them with intelligence beaming on their faces. Some members may not be aware of the great efforts

made in Europe in the cause of education. I admit that this Province has not been careless, considering its means, but the question presses, Cannot much more be done? What has been accomplished in Europe? Germany, for many years, has refrained from war; from aiming at foreign conquest. England has extended her empire in many directions, and France has added to her dominions;—but Germany has turned from these things and has been engaged in a great moral conquest over the ignorance of the people. In 1817, Prussia was prostrate and exhausted after a long war, and part of her population were serfs and slaves to the aristocratic classes. She was without the moral machinery necessary for the proper management of her affairs; but she had a wise king and minister, who were not afraid to grapple with difficulties, and the result was, instead of the spread of arms, the almost universal extension of intelligence until, according to statistical returns, there is not an uneducated family in the kingdom. The published facts prove that it is possible to have a whole people educated. In Prussia there are two millions four hundred thousand children, and all of these within the ages of five and fourteen are instructed. This work done once, is done for ever. The generation taught will keep what they obtained, and will perpetuate the system for those who are to follow. If that can be accomplished under a despotic monarch, shall we under wise and liberal institutions fear to attempt the same? It may be said that such a monarchy possesses the powers and the machinery for vigorous exertion, but we could do nearly as much for the Province if the members of this House only did their duty. You might give the means and power and create the machinery to carry out your views. Prussia has its two millions of educated children,—and Nova Scotia might digest a system by which she would be sure that none of her thirty thousand remained in ignorance. To do this we should act boldly and not look too closely to annoyances from without. We should look to the ultimate benefit, and in some degree coerce the people; that is a duty the House owes them as their representatives.

In an ancient city—whose name I have forgotten—a law existed by which it was decreed that he who moved for its repeal should come to the marketplace ready for execution. The time came when the law proved detrimental, when it ought to be repealed, and there was not wanting an individual ready to offer himself as a sacrifice. I hope there will not be wanting, in this House, those who, imitating that example, will risk much for the passage of a good law. In Calais, twelve persons came forward to purchase, at the price of liberty and life, the safety of the community. Shall it be said that Nova Scotians are not prepared to pay the penalty of loss of seats in this Assembly, to do a great good to the Province?

I trust, gentlemen, that you will take a broad, liberal view of the matter, and not be deterred by the prejudices which exist in your respective districts. Petitions have been presented against assessment and a large portion of the people may be opposed to the principle; but if the Legislature devises and enacts a good measure, clamours will subside, and ultimately the Act will be

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hailed with thanks and praise from one end of the Province to the other. If we pass the principle and put it in operation for eight or ten years, and the people should take a view of it fatal to the return of the Assembly, although I feel pride in presiding over the House, I would feel more pride in sitting at the head of an assemblage of fifty men doomed to lose their seats for such an act. Public opinion will change as the measure becomes better understood, and the time will come when we will look back at its passage as the Prussians looked at the ordinances which raised that whole people to a moral and intellectual position which others might envy.

This well-meant effort failed. Direct assessment, even for education, was unpopular, and a similar appeal made by Mr. Howe some years later was equally unsuccessful.

The session closed on the 10th of April, the first under responsible government. However imperfectly developed or misinterpreted, it was evident that a marvellous change had been wrought in the position of the Executive. Lord Falkland, instead of standing in an attitude of antagonism, personal and political, to the people's representatives, as Sir Colin Campbell had done only the year before, was enabled to address them in very different language :

It is most satisfactory to me to be able to state that not one bill has been presented by the Executive to Parliament but which has, after searching examination, been found worthy of adoption ; while I am able, consistently with my duty to the Queen, to agree to every Act that has emanated from either branch of the Legislature. I cannot but regard this fact as a decided indication that my administration is approved of by the public, and that those by whom I am fortunate enough to be ably and efficiently assisted in the conduct of the government, and to whom I am deeply indebted for the readiness and zeal with which their aid is at all times afforded, enjoy (in the degree in which, for the successful carrying on of the business of the colony, it is necessary that they should enjoy it) the confidence of the people.

Some important changes occurred shortly after the close of this session. Under a bill for abolishing the inferior courts, a new judgeship of the Supreme Court was created. Judge Haliburton ("Sam Slick," a very old personal friend of Mr. Howe's) received the appointment. Judge Fairbanks died on the 15th of April, and Mr. S. G. W. Archibald was appointed Master of the Rolls and judge of the Admiralty Court. Mr. Johnston succeeded him as Attorney-General, and Mr. J. B. Uniacke received the Solicitor-Generalship. This last appointment brought prominently into notice, for the first time, the checks and guards supplied by a bill introduced by Mr. Doyle and carried through by the Reformers a session or two before, and under

which the chief departmental officers vacated their seats on the acceptance of office and went back to their constituencies, as in England. We have become so familiar with the practice now, that few can trace its origin. But in 1841 it was a novelty.

Having got through the session, Mr. Howe determined to visit Canada. There were many reasons why this step was necessary at the time. It was important that Mr. Howe should, by personal communication with the Governor-General, ascertain whether his policy had been correctly apprehended and whether the doctrines which he had laid down, and enforced in debate, were open to criticism or met with his Excellency's sanction. It was natural that he should desire also to be present at the opening of the first session of the Parliament of the United Canadas, and to hear the leading men of both Provinces, of the more conspicuous of whom he had read and heard so much. In every respect this visit was as useful as it was personally gratifying. Not only did Mr. Howe receive from Lord Sydenham the most cordial approval of what he had said and done, but his lady and himself were treated with marked kindness and distinction. Among the more prominent politicians, of all origins and parties, he was welcomed as an old friend and fellow-labourer in the cause of colonial elevation.

The impressions made upon Mr. Howe's mind during this tour were thus recorded on his return:¹

Our object in leaving home was, not to get an office, but to *get information*—to ripen and prepare the mind for the due performance of the duties of any office which Her Majesty may see fit to confer upon us, should she, which is not very likely, at any time have more than she knows what to do with; or for the discharge of those humble yet not unpleasing duties by which our past life has been engrossed. He is not a wise man for himself who loses any opportunity of storing his mind with the varied, instructive, and often delightful impressions which travel only can give. He is not a wise Nova Scotian who shuts himself up within the boundaries of his own little Province, and wasting life amidst the narrow prejudices and evil passions of his own contracted sphere, vegetates and dies, regardless of the growing communities and widely extending influences by which the interests of his country are affected every day, and which may, at no distant period, if not watched and counteracted, control its destinies with an overmastering and resistless power. Others may think differently, but this is our opinion, and we act upon it whenever we can be spared from the ordinary avocations of home. We have never found that information was troublesome to carry or that we had too

¹ *The Nova Scotian*, July 29.

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1841 our neighbours, our countrymen, if they will permit us to say so, wanted much more than we could impart. Hence our tour to Canada and the United States. It has been a very delightful one, dashed, it is true, by the contemplation of strong contrasts, which we wish were less strong and of the effects of errors which cannot be recalled, but still rich in interest, pleasure and instruction.

The great valley of the St. Lawrence, from Kamaraska to Erie, with its mighty river, its broad lakes and its tributary streams—its stupendous cataract and beautiful waterfalls, would, of itself, furnish attractions enough for a lover of nature in all her majestic proportions, even if there were not a single human being to diversify the scene by his labours or his follies. Of this we have seen all that flying tourists usually see ; more, perhaps, than most of them ; much less, however, than we could have wished ; and, although we had written and read a good deal about Canada before we saw it, we would not like to exchange the strong impressions and accurate knowledge, gathered in a few weeks, for all that the study of books and newspapers had given us, of the vague and conjectural, in many years. The scenic attractions of Canada are not its only ones. There are a million of people in the United Provinces, of different origins, with a strangely chequered history, having but one interest,—the improvement of the noble country which God has given them,—but bringing so many adverse and conflicting feelings to bear upon its public affairs, that, to the mere student of human life—to the amateur in politics—we know of few countries which offer so much of moral and political interest and instruction. Unfortunately for us, we could not always feel or assume the indifference of a mere looker-on. As a colonial politician deeply committed to certain principles of government, the application of those principles, in all their integrity, to the largest colony on this continent, was a matter of grave importance ; as a British subject, looking through the mists of mere nationality at the actual condition of things around us, there was enough to painfully enlist the feelings ; and as a Nova Scotian, well knowing that every new blunder, every false step, every absurd prejudice or evil passion, nay, almost every wrong word, was to affect the future peace, security and happiness of our own country, we may freely confess that, so far as we were enabled to study the public affairs of United Canada, we often suffered quite as much as we enjoyed. The reasons for all this, it would not be wise at the present moment to give. Those who are trying a great experiment want the sympathies and active assistance of all who can aid them ; and those who can do no good should at least do no harm, by injudicious intermeddling or the publication of hastily formed impressions and crude opinions. The meeting of the united Legislature gave us an excellent opportunity, not only to hear all the best speakers, but to make many personal friends and acquaintances among those who were previously known to us by reputation, and others just rising into notice, and to exchange opinions with the men in whose hands the destinies of the country

will probably be for the next twenty years. Of course we mixed freely with French and English and with men of all shades of opinion ; for though wishing success to the Governor-General's administration, and never disguising that opinion, we found, even among those who opposed it, the welcome of an old friend to colonial peace and freedom.

After spending a month in Canada, and lingering at the Falls of Niagara for a couple of days, till the mighty cataract had roared down the discordant voices of the Canadian politicians, and the follies of man were forgotten amidst the sublimities of nature, we entered upon another scene of varied interest and instruction—one which British statesmen and British soldiers cannot too attentively study ; one which British colonists are no more safe in shutting out of their calculations of the future, than would the mariner be who, crossing the Atlantic, made no allowance for the Gulf Stream. The State of New York, from Erie to Long Island, presents a spectacle of no common interest. We traversed it from Buffalo, the great entrepôt for the produce of the West, following the main lines of traffic and social intercourse, down to the great Atlantic city, leaving, of course, much that should have been seen, on our right hand and on our left, but seeing enough to enable us to judge of the rest, and to fill our mind with new and grave reflections. From New York we turned to the South, and Congress being in session, spent a few delightful days at Washington, listening to the debates in the Senate and the House of Representatives, and availing ourselves of the aid of kind and valued friends to make the acquaintance of many of the ablest orators and statesmen of the republic.

The question has been put to us twenty times in a day, since we returned home, "What do you think of Canada?" and as it is likely to be many times repeated, we take this early opportunity of recording our conviction that it is one of the noblest countries that it has ever been our good fortune to behold. Canada wants two elements of prosperity which the lower colonies possess,—open harbours for general commerce, and a homogeneous population, but it has got everything else that the most fastidious political economist would require. We knew that Canada was an extensive province ; that there was some fine scenery in it and that much of the soil was good, for we had read all this a great many times ; but yet it is only by spending some weeks in traversing the face of the country that one becomes really alive to its vast proportions, its great national features, boundless resources and surpassing beauty. It is said, so exquisite is the architecture of St. Peter's, at Rome, that it is not until a visitor has examined the fingers of a cherub, and found them as thick as his arm, or until he has attempted to fondle a dove, and found it far beyond his reach, and much larger than an eagle, that he becomes aware of the dimensions of the noble pile. So it is with Canada ; a glance at the map, or the perusal of a volume or two of description, will give but a faint idea of the country. It must be *felt* to be understood. We will endeavour to explain what we mean.

Nova Scotia and Cape Breton together, spread over a space of four hundred

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miles in extent, and a good steamboat will run past both in thirty hours. From Anticosti to Quebec is about six hundred miles, and then, when you have got there, you are but upon the threshold of the province. For two days and nights you steam along, after entering the estuary of the St. Lawrence, at the *Unicorn's* highest speed, with Canada on both sides of you; and when you are beneath the shadow of Cape Diamond, you begin to think that you have got a reasonable distance inland—that Canada, as they say in the States, is “considerable of a place.” But again you embark, and steam up the St. Lawrence, for one hundred and eighty miles farther, to Montreal, and there you take your choice, either to continue your route, or to ascend the Ottawa, and seek, at a greater distance from you than you are from the sea, for the northern limits of Canada. But you probably prefer adhering to the St. Lawrence, as we did, and on you go by coach and steamboat for forty-eight hours more, and find yourself at Kingston. Looking back upon the extent of land and water you have passed, you begin to fancy that, if not near the end of the world, you ought at least to be upon the outside edge of Canada. But it is not so; you have only reached the central point chosen for the seat of government, and, although you are a thousand miles from the sea, you may pass on west for another thousand miles, and yet it is all Canada.

But the mere extent of the country would not, perhaps, impress the mind so strongly, if there was not so much of the vast, the magnificent, the national, in all its leading features. It is impossible to fancy that you are in a province—a colony; you feel, at every step, that Canada must become a great nation, and at every step you pray most devoutly for the descent upon the country of that wisdom and foresight and energy which shall make it the great treasury of British institutions upon this continent and an honour to the British name. All the lakes of Scotland thrown together would not make one of those great inland seas, which form, as it were, a chain of Mediterraneans; all the rivers of England, old Father Thames included, would scarcely fill the channel of the St. Lawrence. There is a grandeur in the mountain ranges, and a voice in the noble cataracts, which elevate the spirit above the ignorance and the passions of the past and the perplexities of the present, and make us feel that the great Creator of the universe never meant such a country to be the scene of perpetual discord and degradation, but will yet inspire the people with the union, the virtue, and the true patriotism by which alone its political and social condition shall be made to take, more nearly than it does now, the impress of its natural features. Canada is a country to be proud of; to inspire high thoughts; to cherish a love for the sublime and beautiful, and to take its stand among the nations of the earth, in spite of all the circumstances which have hitherto retarded and may still retard its progress. Whether she shall take her stand by the side of Britain, respected, free, confiding, or whether she shall be held by the strong hand of power, until she breaks away, when circumstances favour the outburst of savage discontent, is the problem which will probably be worked out within the next five years.

Chief among the resources of Canada must be regarded her boundless tracts of rich and fertile land. For many miles below Quebec the soil is excellent, and the farther you proceed onward the better it becomes, until in the western regions of Upper Canada it is found inferior to none on the continent of America. No man can estimate the numbers that Canada could feed, or form the least idea of what its agricultural export might be, if all the land capable of improvement were under cultivation. For conveying this produce to market the noble rivers of the country afford extraordinary facilities; but sixty miles of canalling are required for the transportation of bulky articles from Lakes Michigan and Superior to the sea, while the distance from Buffalo to Albany, by the Erie Canal, is upward of three hundred miles. To the completion of the few short cuts which are required to perfect the navigation of the St. Lawrence, it is probable that the serious attention of the Government and the Legislature will now be turned. There are not wanting sanguine men in Canada who would cheerfully expend upon these every farthing of the promised million and a half, in the confident expectation that, when completed, a very large portion of the flour and wheat from Ohio and Michigan, to say nothing of the productions of the Province itself, would be attracted through what they believe will be the favourite, because the least expensive route.

Lord Sydenham died on the 19th of September, having lived to inaugurate the new system, but not long enough to clearly apprehend its legitimate results. Before his death the Whigs had been defeated on the sugar duties. Sir Robert Peel came into office, and Lord Stanley succeeded Lord John Russell as Colonial Secretary.

This change inspired the cliques in all the colonies with hopes that responsible government would be discountenanced and withdrawn. Lord Sydenham's successor, Sir Charles Bagot, signally disappointed them, but he died too soon. The Conservative party in England had no such design. Responsible government had been loyally accepted, by both parties in Parliament, as the true remedy for the grievances of North America, with which both had been sufficiently perplexed. But it was a long time before the cliques, in all the Provinces, who had lost or were likely to lose power by the adoption of that system, were convinced of the fact. The change of ministry, in 1841, inspired them with new hopes, and stimulated them to fresh exertions; and unfortunately Sir Charles Metcalfe, the successor of Sir Charles Bagot, with a nature courageous and honourable, generous in expenditure, boundless in liberality, with great experience, great skill, and fine taste in composition, had been trained in a country where suspicion and contempt for the natives formed the general rule of administration. It is the first lesson that a cadet learns in India, and he has not forgotten it when, after forty

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years of service, he is elevated to the rank of Governor-General. All Sir Charles Metcalfe's perplexities in Canada arose out of the indelible traces of his Eastern training. He could not dismiss from his mind the impression, when the Baldwins and Lafontaines of Canada claimed the legitimate fruits of the high positions they had acquired in the confidence of their countrymen, that they were trying to overreach him. He could not be made to comprehend that a Canadian statesman might be as wise, in the affairs of Canada, as an Englishman; that he might be as loyal, as sincere, as careful of the prerogative. He stood too much upon his guard, withholding confidence, and, as a natural consequence, inspiring distrust. Collision and doubt, an endless war of words in Canada and serious embarrassment elsewhere, were the results. It was not until Sir Charles's death, which everybody, on personal grounds, deplored, that responsible government in Canada received its full development. In Nova Scotia, all parties were perplexed, and the Reformers seriously embarrassed, by his proceedings.

The session of 1842 opened on January 20th with fair prospects of strength and harmony for the new Government. Of the small section of the Liberal party that stood aloof, two had died during the recess, and Mr. Young had accepted the vacancy created by the elevation of Mr. Archibald and was sworn into the Cabinet on the 13th of January.

A bankrupt law, a bill for regulating the courts of probate and one providing for the relief and instruction of the Indians, were among the measures brought down. The two last were passed by both Houses; the first was lost in the Assembly, by those who desired to embarrass the Government availing themselves of conscientious objections entertained by country lawyers and others against some clauses which they thought centralized the functions of the court too much. The bill was crippled and abandoned. It was the first Government measure introduced and lost. Questions were put to the members of the Council to know whether they intended to resign, and notices were given by two gentlemen of their intention to move hostile resolutions to test the strength of the administration. These notices were afterwards withdrawn; but as it became desirable to ascertain the true position of the Government and to break up hostile combinations, if any were forming, it was determined that a vote of confidence in the Government should be moved by friendly supporters and that the real strength of the opposition should be tried out. This was done; and after full debate a majority of forty to eight on

February 16th sustained the Government. Mr. Howe's speech on the occasion occupied two hours. He traced the acts of the Cabinet, defended its appointments, and showed that however formed it was discharging executive functions in a just and liberal spirit.

Scarcely had this proud position been won for the administration, when Mr. Howe's colleagues in the Legislative Council struck it from beneath their feet. A speech was made in that body by Mr. Alexander Stewart and carefully reported, in which the principles of government, as frankly explained and understood by all the members of the administration in the Lower House, were so toned down and negatived as to be incapable of explanation or acceptance as a system of government. Attention was immediately called to this speech, which was denounced in the press and in the Legislature. It was apparent that some antagonism existed in the new Council and that the elements which circumstances had outwardly combined did not inwardly harmonize. The determination was general to put an end to this state of things and to have an authoritative declaration, in some authentic form, which should bring the whole Council to an acknowledgment of their responsibility to the Commons. Mr. Howe made no secret of his determination to retire and allow the majority to test their power to overturn the Government, if a doubt was suffered to remain that they possessed it. The danger was imminent. A meeting of Council was called, and Mr. Dodd was deputed to make a statement which it was assumed would be satisfactory. He referred to explanations which had been made in the House during his absence, stated his hearty concurrence with these and expressed his gratification at the vote which resulted. He then referred to the published remarks of members of the Government in another branch of the Legislature, and explained. The Hon. Mr. Stewart, he said, was not treating the subject of government fully and regularly, but was only giving an answer concerning certain points; and that that gentleman fully concurred with the members of the Government in the House of Assembly respecting views which had been expressed of the system now in operation. The other member of Government, the Attorney-General, whose remarks had appeared and were considered corroborative of Mr. Stewart's views, had made similar expression of concurrence; and moreover denied the accuracy of the report of his speech, refusing to be bound by that which he had not revised and did not acknowledge as stating his sentiments. Mr. Dodd then proceeded to read a paper, which was at the time jocosely called a "Confession of Faith." In this paper, while the Governor's

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responsibility to his Sovereign was declared and the responsibility of his advisers to him admitted, their obligation to defend his acts and appointments, to preserve the confidence of the Legislature, and the right of the popular branch to obstruct and embarrass them, was affirmed in the most explicit terms.

This declaration calmed the air and the session closed triumphantly. Mr. Howe's speech in defence of the Government was republished in Canada, *The Montreal Courier* thus expressing its opinion of its merits :

A very important speech was delivered in the Nova Scotian Assembly a few days back by the Speaker, the Hon. Joseph Howe, from which we gather most of the leading points of Lord Falkland's administration. A more favourable statement was never made, nor could language more appropriate have been selected to make it in. It came as a death-blow to the hopes of the enemies of the administration, and will serve to show the grossness of the misrepresentations with which, even in this part of the world, Lord Falkland's Government has been assailed.

As this speech exhibits the working of responsible government in Nova Scotia, we shall proceed to make some extracts from it, elucidating its principal features.

We have here the spirit of Lord John Russell's famous despatch, fairly carried out, and from this form of government—responsible or not responsible—we fearlessly assert that no man or set of men, either in this Province, or at home, can ever depart. We may improve the action of the Government and select other men to give energy to its decisions, but the system itself and the principles on which it is based are immutable.

Though so large a majority in the Legislature had expressed its approval of the administration and pledged to it support, and although that majority included many of the ablest and best business men then before the country, outside there was an organized opposition of a very virulent kind. Several of the gentlemen who were compelled to retire on the formation of Lord Falkland's Government, were men of large fortunes and fair social standing. Not being members of the Legislature, they could not be included in the Executive under the new system. They could not or would not comprehend the necessity which compelled their retirement, and deeply resented what they persisted in regarding as personal injustice and degradation. Their feelings were shared by relatives, friends and partisans. These overflowed into the press, which was characterized by bitterness and personality, up to that period unknown in its political history.

On the 23rd of June, a writer, under the signature of "A Constitutionalist," appeared in *The Nova Scotian*. In a series of nine letters he grappled with and refuted every charge that had been brought against the Government by the newspaper writers of the day. He explained and illustrated, in popular and attractive language, their principles and measures, and, carrying the war into the enemy's camp, overwhelmed them with sarcasm and drollery. These letters were at the time, and have been ever since, attributed to Mr. Howe. The authorship has never been either acknowledged or denied, but the effect of them was very striking. They were eagerly read all over the country, and the scribblers who had for months assailed the popular party were fairly beaten with their own weapons.

On the 7th of September, Mr. Howe was offered and accepted the appointment of Collector of Colonial Revenue, vacated by the death of the incumbent.

CHAPTER IX

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Mr. Young elected Speaker—Qualification Bill introduced—Mr. Howe's speech on second reading—Closing speech—Resolutions disapproving of denominational colleges—Speech in favour of non-sectarian college—Dissension in Executive Council—Lord Falkland visits country districts—Public meeting at Halifax—Mr. Howe's speech on College question—Resolutions passed at meeting—Meetings in the country—Dissolution of Assembly—Mr. Howe elected without opposition—Speech on election—Appointment of Mr. Almon—Resignations of Messrs. Howe, Uniacke and McNab—Reasons for resigning—Letters to Lord Falkland.

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THE legislative session commenced on the 26th of January. On the meeting of the House, Mr. Howe stated that, having accepted an office of emolument, he felt it his duty to resign the chair. The propriety of this step was at once acknowledged. His resignation was accepted, and his services were recognized by the passage of a resolution, by unanimous vote, in which the House recorded its sense of his impartial and correct deportment in the chair.

Mr. William Young and Mr. Herbert Huntington were candidates for the Speakership. The former was a member of the Executive Council. A resolution was passed declaring the two offices, henceforward, incompatible. Mr. Young was elected by a majority of two, accepted the chair and tendered his resignation of the seat in Council.

On the 8th of February, the Qualification Bill, announced in the Governor's speech, and brought down by the Executive, created an animated discussion and threatened, for a time, the defeat of the Government. The nature of the measure will be gathered from a speech delivered on February 8th by Mr. Howe on the second reading :

Sir, in rising to move that the bill be committed to a committee of the whole House, I feel it my duty to offer some reasons for doing so. The motion, if agreed to, will be considered a sanction to the principle of the bill, and in thus calling on members arguments in support of the motion may be

expected. The bill was announced by his Excellency in the opening speech of the session, and that it was truly described as "calculated to extend the privileges of the constituency of Nova Scotia, to render available to the Province at large the services of persons well qualified to comprehend its wants and advance its interests, but whom local circumstances might, under the present law, temporarily exclude from the Legislature," I trust to be enabled to demonstrate. I look on the bill, sir, in some respects, as a legacy left to the House by a gentleman who has long since departed from among us; one with whom I may have sometimes differed in opinion but whose memory stands so high in the estimation of Parliament that I may be warranted in saying, that if the bill contained any principle at variance with the liberties of the country, if it deprived the electors of any privileges, if it proposed any innovation by which the Government could be strengthened at the expense of the people, it never would have had his sanction and support. That the bill has the deliberate approval of the Executive Government is one reason perhaps why it should be more carefully and jealously examined by this House. I may say, sir, that no respect for authority would induce me to stand up here, and offer the measure to the approval of Parliament, if I did not believe that the country would be served by the qualification for a representative being restricted by no bounds, except those of the Province. The Executive, in forming the other branch of the Legislature, is unrestricted. He looks over the whole Province, and selects men from every part whom he deems most fit to represent the various classes of the whole people in the Council, to sustain the just rights of the Crown and the interests and privileges of the population. There the prerogative runs over the country at large; should not the people have similar advantages? Should the Executive in forming one branch have such a wide choice, and the people in forming another be confined to a narrow circle?

In England, the elective franchise is confined to counties, boroughs, shires, and cities; here, to counties and towns. The limitation was wisely made, in order that every interest might be fairly represented. If it were not so restricted, the interest which included the majority of the people would send all the representatives. Such a restriction is wise and necessary for the ends of proper representation and of justice. But when representatives have been elected, though they are considered the peculiar guardians of the places whence they were returned, by the theory of the British Constitution, which we claim for our inheritance, and according to the views of the highest minds in the empire, the moment a man takes his place in Parliament, he is not a representative of a part of the country, but of the nation at large. So far, the theory and practice of the Province agree with those of the mother country; but when we come to the mode of selection, a great difference appears, a difference which the bill before the House is intended to remove. In the United Kingdom, a man who holds a qualification in any part may run an election in England, Ireland or Scotland. Why should not similar privileges exist in Nova Scotia? Not only may the electors of England choose from the three king-

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doms, but they may range over every portion of the empire and select a man anywhere who has the one requisite qualification. Thus Liverpool may choose from Canada; Manchester from Jamaica and even London from Nova Scotia, if the constituencies of the respective places find a British subject in any of these distant possessions who has the British qualification and whom they prefer for their representative. Have you a similar range in the Province of Nova Scotia? No. The existing law says that a candidate must own property in the immediate place which he seeks to represent. Is this limitation wise? That it is not I believe, because it is not British and because I believe that no good reason can be adduced for the distinction. To be free of Great Britain, a man needs to hold only one property qualification; to be free of Nova Scotia, with its three hundred miles of length and its two hundred and fifty thousand inhabitants, a man should hold three-and-twenty freeholds. Is there anything in the country which calls for that great distinction? Even if restriction be wise for an old, wealthy colony, would it be for one like Nova Scotia? Is there anything restrictive in knowledge, statesmanship, or eloquence which would evaporate unless a man came from a particular spot? No; and those who possess these qualities ought to be allowed to test public opinion in any part of the country. At present, a man incapable of managing his own concerns, of addressing a sentence to the House, may hold the twenty-three freeholds; yet a man who would be an ornament and honour if selected may be confined to a narrow space and effectually debarred from public life. By the restriction, able men are shut from a manly appeal and from a trial with persons of similar calibre in the halls of legislation.

How stood these matters in other countries? I do not, sir, pretend to be very intimate with the constitutions of ancient assemblies, but I remember enough to know that the senators of Rome were senators of the city and the empire and represented the people at large; the tribunes were the tribunes of the people; the conscript fathers were fathers of the state and of all its population. If you go to Athens, birth, talent and property will be found to have given qualification; but if I mistake not, not property in a particular street or district. In Canada, as is well known, the British practice prevails. I do not, sir, love things merely because they are established. I think that things which are established have a common argument in their favour,—that they are established; and that they have worked well in the countries where they exist, I must believe until reasons be shown to the contrary. I do not say that we are bound to follow those examples; but I believe that the present practice of the Province is injurious and that the practice of England may be safely taken as a guide. My reasons for these opinions, sir, are threefold:

First, I believe that the proposed change would be beneficial as regards the rights and privileges of the electors; secondly, as regards the character of the Parliament; and thirdly, respecting the powers and rights and privileges of individuals who may be called to represent the country.

First, as respects the privileges of the people. If his Lordship in

announcing the measure had not faithfully described it as calculated to extend the privileges of the constituency, the House ought not to pass it. But if it can be satisfactorily shown that it will operate as described, then I trust that the House, with a generous feeling, a right-minded appreciation of the intentions of the Executive, will accept and pass the bill. Why, I may ask, should the people be restrained in their choice? Why should any portion be confined to particular limits in seeking a representative? If fifty men are to be sent to this House and are to demand the respect of the constituency, why should not the constituency be enabled to make the body as efficient as possible? Why should the people, whose rights and privileges we should wish to extend and to place not only beyond the control of the Executive, but the control of any other power except their own judgments,—why should they be hampered by an anomalous law in so important a matter? Men in search of a horse, a wife or a farm, have the whole Province to choose from. You would not say to a man in search of a horse, you shall be confined to Lunenburg; where perhaps they set as much value on an ox as on a horse. A man in search of a wife should not be restricted to Falmouth, where, without meaning anything disparaging to my friends from that quarter, they prize their horses nearly as much as their wives. Should a man seeking a farm be prevented from looking beyond the county of Halifax, where a good one is scarcely to be found? Instead of this, persons so seeking may go to any part of the Province; but when we come to the representation, a great difference appears, and the same freedom of choice is not allowed, but a narrow circle is drawn and a constituency is told to select the best within that. I hope that this needless restriction of the rights of electors will be removed.

Looking at the subject under the second head, as respects its effect on the character of the Assembly,—is there a man within the walls of the House who has not felt himself trammelled by the absence of some such measure? Are there not many who feel that they have served the country faithfully; that they have maintained their independence, have never bowed their spirits before the authority of Government to the prejudice of the people and have ever upheld what they believe to be right, but who have also never stooped to pander to sectional and local party influences of the small places for which they have been returned, and who might therefore be met by the opposition of those influences? What member is there who has not felt that, although he has in this manner truly performed his duty as a representative, he is liable, under the present law, to be judged or misjudged by a petty fragment of the population, by some insignificant fraction, influenced and inflamed by some paltry consideration? I appeal to the House on this point, and inquire, will not the passage of the bill remove these barriers to freedom of action, and have a tendency to raise the character of the Assembly? I believe it will. I believe that to give every public man the freedom of appeal to the whole country will have a tendency to break down these sectional feelings. It will give to the population of Nova Scotia what every public man in England possesses, the

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right and power and privilege of appealing from petty factions and of throwing themselves, for acquittal or condemnation, on the great body of the people whom by theory they represent.

In turning to the third branch, sir, of my argument, I have to consider the effect of the bill on the position, rights and independence of individual members of the Assembly. I feel, sir, that while in theory we represent the whole people, we have not in practice that which should follow such theory, the right of an appeal to the whole, but allow a fraction to condemn those whom the whole might sustain. I ask is that English? an inquiry which always has weight in this House. I turn to the history of England; to those proud records of the mother country, to which we never turn without feeling our bosoms swell, without being cheered by proud examples. I turn to that extraordinary period when Elliot and Vane and Hampden and their compatriots struggled for liberty against prerogative, and I find that there was scarcely a public man who did not throw himself on various constituencies. If we come down to a later period, beginning with the administration of Sir Robert Walpole and ending if you will with that of Sir Robert Peel, we can scarcely find a man noted for eloquence and patriotism who has not been condemned by some single constituency, which, if it had the power, would have crushed talent and high endeavours in consequence of some local dissatisfaction or prejudice. The younger Pitt sat for Appleby and the University of Cambridge. What sustained the immortal Burke, when it was made a matter of charge against him, that he was too liberal to Ireland, a charge which has often had force in more modern times; when he was charged with supporting its manufacturing claims and its demands for freedom of trade; when he made the brilliant speech in which he declared that he was not a delegate for a part but a representative of the whole; what supported him, but the conviction that he could appeal to any part of the country and that his character would be sustained. Mr. Fox sat, I believe, for Manchester and Westminster; Sheridan for Stafford and Ilchester, and contested Westmoreland. Canning sat for Newton, Isle of Wight, Windsor, Sligo and Liverpool. If these great men found advantage from such a provision as that secured by the bill before the House, would any argue that its tendency was evil and dangerous? Would any man, looking back on the times alluded to and having the figures of these statesmen before his eyes, commit to any one place the power of extinguishing such lights of a nation? Coming down to the times of O'Connell, and looking to the triumphs of great principles which he achieved, we find that he represented Clare, Kerry, Meath, Cork and Dublin. Who that was familiar with the history of public affairs would say that such an eagle's wings should be clipped—that he should be tied down to any single borough or town, without the right of appeal to all? Men in England could buy him over and over again, as regarded moneyed wealth, dependent as he was on his profession and the gratitude of the nation. What chance would he have had with men of £300,000 a year, if he had not had the privilege of throwing himself upon any part of the kingdom? We come now, sir, to the modern economist,

who may have made some great mistakes about the colonies, for he did not take into his calculation that within Her Majesty's dominions there were no men more attached to her person and government than colonists; but would any man who has traced parliamentary history wish to see Joe Hume thrown out of the great assembly of the nation? Some sinecurists who had been cut down in emolument by his calculations, or some who otherwise prospered by corruption, might have wished that he were limited to one constituency; but such persons are few in number, and by a better system he retained his parliamentary place and usefulness. He represented Aberdeen—he began with his own countrymen, and having become unpopular with them for some cause, he appealed to England, was returned for Middlesex, and losing Middlesex was returned for Kilkenny in Ireland. That is the manner in which public men in the United Kingdom maintained their public career; that is the mode in which the system works which is now sought to be introduced into Nova Scotia. I need scarcely mention the name of Brougham; no man would wish to see such a public character shut, at any time, from the walls of Parliament—to see him placed under the ban of any single constituency. He represented Camelford, Knaresborough, Winchelsea, and Yorkshire. I now come to a man whom colonists have a right to respect, if they respect any public man—Lord John Russell! To his prescience and sagacity, in a great degree, do colonists owe the system which the present Governments of British America are carrying out. This statesman represented Poole, Calne, Devonshire, and when a great struggle seemed to require such a test, he threw himself on London, and sat for the metropolis. I make these references, sir, without political bias; without at all intimating that I approve of all that these distinguished men accomplished or attempted; but to show how the principle which is embodied in the bill operates in the mother country. Lord Palmerston represented Cambridge, Bletchingly, South Hampshire and Tiverton. I now come to the present Premier, and although I have differed in views from the head of Her Majesty's Councils, I can remember no period when I wished to see a man of his powers of mind removed from the Parliament of the country. I would be sorry indeed to see a man of such talents and acquirements limited to the judgment of the smallest Whig or Tory or Radical constituency. Sir Robert Peel would never have risen to the eminence which he occupies, he would not have ripened his powers of sagacity and eloquence, if he had not the privilege of appealing to every section and of maintaining his principles in every part of the kingdom. He has represented Oxford, Westbury, Cashel, Chipperton and Tamworth. So that you will perceive that the present Premier of England has sat for five or six places, and that his experience is strongly in favour of such provisions as those recommended to the House. I now turn to Lord Stanley, one of the ablest debaters in the House of Commons, and a nobleman of whom I may be permitted to say that he is as anxious as any one connected with the British Government sincerely to carry out the principles which we are endeavouring to establish in this Province; as desirous to extend to the colonies the principles

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of the British Constitution, and thus assimilate the condition of colonists to that of the residents of the United Kingdom. Lord Stanley sat for Stockbridge, Preston, Windsor and North Lancashire. May I not turn to these illustrations of the principle which is before the House, in proof that its practice is beneficial? Looking back on the past, would any man wish that one of the luminaries of those times should be excluded from public life by narrow restrictions? Would any wish to lose one brilliant speech, one admirable measure of these men? Would any, no matter of what political shade, strike from the galaxy of British talent one of its ornaments, or keep any one great man in obscurity because he had maintained his independence and asserted his principles? Would any wish to apply to the persons enumerated restrictions like ours? If there were one so actuated, I would tell him that under such circumstances some of the noblest flights of eloquence, some of the wisest laws, some of the most valuable expositions, would be lost to us and lost to the country, where they are treasured in the hearts of the people.

I am aware, sir, that it may be objected that this bill was introduced two years ago, was opposed by some members of Government and was lost. If at that time the Government had come to united deliberate action on the measure, I would not be ashamed to say that the Government had become wiser at the present day. When the bill was first introduced it was opposed by the then Attorney-General, in an argumentative speech, with that knowledge of the prejudices of the country with which he was so well acquainted, and with that animation and humour which he could so readily bring to bear on any question. I was in the chair of the House on the occasion and felt as I do now, without having the power to express an opinion. There was no united action on the measure then; the Government had been but newly formed; it had not time for consultation or for a review of the public affairs of the country. If I felt at that time, sir, that the bill would have been useful under the old system, I feel now that it is an essential element of the new constitution. What has occurred in Canada since then? I invite your attention, gentlemen, not that you may be persuaded by me, but influenced by your own judgments and understanding. Mr. Lafontaine was driven by violence from the hustings of a French constituency, and would have been deprived of his chance of a seat by the present law of Nova Scotia. He threw himself on an English county of Upper Canada and is elected, and goes into the Councils, where his talents may be exercised in favour of public order. Mr. Baldwin is an Englishman, and notwithstanding what his enemies say, I believe that he is as sincerely honest a public man as any in the colonies—that he has the public good as much at heart as any man within the walls of this House. He was refused by English constituencies and was compelled to throw himself on one of the French counties.

In that country they are finding the value of the British system, and we will by-and-by find it here. Under the law in operation in Nova Scotia, such a man as Mr. Baldwin would be compelled to buy half-a-dozen freeholds, instead of one enabling him to run for any part. Why should not the law found useful

there apply here? Why should violence deprive a man of the right of appeal? CHAP. IX
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I may turn, sir, to Nova Scotia, for some possible illustrations of the application of the principle. I may fancy that the Speaker of this House might at some time have voted against a Governor who had strong national feelings in his favour, and for this vote that he might be turned from a particular county—rejected, not because he had not adequate talents or did not serve his constituents faithfully, but because he had politically differed with a gentleman whose countrymen were influenced by old and venerable and highly respectable associations. Supposing this to be the case; why would you deprive the House of its Speaker and the Province of his talents without any right of appeal to a wider and less prejudiced tribunal? Suppose the Solicitor-General or his honourable colleague, whom I equally respect, were turned from the representation of Cape Breton by means of that exciting, but to my mind monstrously absurd question, the repeal of the union between that island and Nova Scotia, suppose them dismissed on this local question which is manifestly at variance with the great interests of the Province; would you allow these gentlemen to be thus driven from public life and be told that they should not enter these walls again, because you wish to retain a restrictive law? Fancy another instance, which may not be very unlikely to occur. We all respect the intelligence and independence of the honourable member from Yarmouth; suppose that he should not be inclined to give as much of the public funds to one particular institution as its friends thought that it was entitled to; imagine that the circumstance were brought to bear on his seat so as to deprive the Province of his services, would you say that that should be the case without full appeal?

Under the present law that could occur; under the bill before the House he could come to Halifax and throw himself on the constituency here. Although it has been said that wealth might get undue influence under the bill, if that gentleman were to throw himself on the capital it would soon be discovered whether the wealth of the few could carry a contest against the confidence and good wishes of the many. In endeavouring to work out changes which I thought beneficial to the Province at large, I may have given offence to a portion of my constituents. I feel bound, while making this allusion, to return my thanks to them for the confidence and kindness and steady support which I have received at their hands, and which enable me to stand here to-day independently as their representative. But suppose that parties were different, and that differing with my constituents on the free port question and in extending privileges to every part of the Province, I made enemies of those who wished to restrict them to the capital, and that I found myself supported by the minority only; should I not have the right of appeal to those ports which had been opened against the wishes of those who desired to monopolise such advantages? Or go to Argyle, so well represented by the gentleman who

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comes from that place ; there the population is half French, half English. If a man of talent were to arise among the French, and some jealousy made him unacceptable to the English, who happened to be the more powerful portion, there he must stay, because he is confined to the franchises of the township. If there were a Frenchman there who had a desire to serve the Province at large—and from the specimens that part of the population have sent here, from the courtesy, kindness, intelligence and moderation of those who have represented them, we may be prepared to see a man of brilliant talents rise from among them and claim public attention—would you say to such a young Frenchman, whose mind was informed by the literature of two nations instead of one, would you say to such a man : “ You cannot come into the Assembly of the Province, except for Argyle, although you may be respected elsewhere for your talents and moral character ” ? Look at Guysborough ; that district is divided by a bay and a river. Now, instead of the young Frenchman, suppose a man there of brilliant talents, judged by the local feelings of fishermen and farmers. Fancy such a man on the farming side of the harbour, driven from the hustings because he did not lay a duty on salted provisions and rejected at the other side because he did not fully understand the mysteries of clear sheer pork, which fishermen prize so much. Hundreds of such instances could be given. Go into Colchester, and those who know it best will corroborate what I say : go there, and what is the exciting question, what has divided men’s minds during the last two years ? Has it been responsible government ? Not at all ; the whole population are in favour of it. Has it been the differences between Lord Falkland’s Government and those who oppose it ? No. Has it been any question of public policy ? No. What then ? The entire county is separated into two parts by a river, and the parties in opposition are those on each side of it ; the question being on which side a proposed road shall run. That was the all-absorbing question there, and on such should a public man be judged, turned from the Assembly and refused appeal to the whole people ?

It might be said that the law of the land allows a jury of twelve men to decide questions of life and death, and why not allow a small constituency to decide on public character ? It should be considered that a jury properly chosen is supposed to represent the whole country. The body is purified by a fair challenge, it is bound to try cases by established rules of evidence and has no interest in the matter on which it is to pronounce. The argument does not at all apply to constituencies, who have an interest in elections ; they may be misled by falsehood and inflamed by prejudices, without the checks which are wisely provided for the regulation of juries.

I am aware, sir, that a great objection to this measure is the seeming advantage which it gives the rich man over the poor. It has been said that the moment the bill passes, gentlemen of influence and wealth from Halifax will attempt to sweep the constituencies of the country, and if they should be defeated, will endeavour to crush their opponents. I may say, in the first place, and I am sorry for it, that we have not got quite as many wealthy men

here as we thought we had; not so many rich as thought themselves rich. Those who possess property have enough to do with it at home; have enough to divert their minds from troubling the country by contesting elections. But suppose they were so inclined; the richest men in Halifax tried nearer home to turn out men of moderate means and were not able. Why were they not? Because our people were too spirited to be dictated to, even by those who held heavy purses. If such persons should try the country constituencies under the bill, they would soon be taught a lesson, and the only evil they would be able to accomplish would be to leave a little of their surplus capital in places of the interior, where perhaps it is required. There are no rotten boroughs in the Province; the smallest constituency has one hundred or more freeholders; and in these or the largest, I defy the richest man to secure his return except by legitimate influences. The only men who could successfully try such places would be those of talent, whose principles were sustained by the people; who, like yourself, would serve a distant constituency efficiently, or like the Solicitor-General, or others who might be selected. By the bill none would be restricted; the people would receive most efficient privileges; and the representation, not confined to particular towns and districts, would run current as the air that circulates around the Province. I may inquire of those who fear that the bill is to give advantages to the rich, what the present law effects. The rich man now may buy freeholds in any or every part; can the poor man? Has the latter any right of appeal to the whole people?

These, sir, comprehend a few of the arguments on which the friends of the bill are prepared to sustain it. I feel that the question is one upon which every member is called to exercise a deliberate judgment. I feel that the more it is sifted, the more it is understood by the House and the population, the more will they sanction it as an act of sound policy and one in accordance with British practice. It has been my fortune, sir, to propose some constitutional changes; it has been my fortune, under the good providence of the Almighty, to see those changes working out peacefully and harmoniously by means of the good sense of the Legislature and the people. As on this occasion my motive may be suspected and misrepresented, and my advocacy may be attributed to my particular position as regards the Government, I say now that at no period of my life, in no struggle, no time of trial, did I find my mind more clearly made up respecting the value of a political principle, never more strongly confirmed as to the wisdom of a public measure, than it is at the present moment on the bill before the House. It is an important part of the system which we have been endeavouring to establish, which is now coming to be understood and appreciated; and a colonist, I trust, will soon feel it to be part and parcel of the system by which he and his posterity are to be governed. I am aware that it may be said to give to the Executive the right to throw its members on the different counties and to call on the people to sustain them; and that, therefore, it is a weapon that may be used against the people. I may say that the members of Government are convinced that if ever there was a country which

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could not be ruled by patronage, Nova Scotia is that place. This may appear at a glance by looking to the few men likely to be unduly influenced by Government. The magistrates and judges are independent; the sheriffs, as executive officers, are also free; there is not a county or town where the Government could influence or coerce, so as to secure the return of an individual member.

The bill, sir, may be useful to all parties; to the Opposition and the Government, and to all who serve the country by giving them the right of a British appeal. As we have, piece by piece, obtained British institutions, so we are safe in adding this bill and giving a firmer foundation to the system.

I have to apologize, sir, for the time I have occupied; indisposition scarcely allowed me to place the subject in the manner in which I feel it ought to be laid before the House. I owe the House many thanks for the courtesy with which it has received my remarks in commending the bill to their favourable consideration as a measure of great importance and of very beneficial tendency.

Mr. Dewolf, a member of the Executive Council, being opposed to this measure, resigned his seat and created an opposition to it. He was joined by some gentlemen who entertained apprehensions that it might enable wealthy men from the capital to throw themselves upon country constituencies, and by others who desired to embarrass the Government. After spirited debates, running over several days, the bill was carried—twenty-seven to twenty-three. It was passed by the Council, and became the law of the land. Mr. Howe's closing speech on this question was delivered on February 11th, and is as follows:

I rise, sir, to claim the privilege generally accorded to the introducer of a measure—that of reviewing the arguments by which it has been opposed. When I made the usual motion that this bill be referred to a committee of the whole House, I urged in its favour only such reasons as seemed to sanction its general principle and bear naturally and forcibly on the question raised, without drawing into the scope of my argument matters which had with it no necessary connection. Other gentlemen have not been satisfied with this simple mode of illustration, but have examined every phase of the new system of government, drawn forth discussions on principles generally acknowledged and have sought to arouse feelings connected with the past which should have been allowed to slumber undisturbed. I supported the bill, sir, first, because it gave the people the same wide range of selection enjoyed by the Sovereign in forming the Legislative Council. Secondly, because it was British. Thirdly, because it would be useful under any representative system. Fourthly, because it would elevate the general character of Parliament by calling within these walls more talent and information. Fifthly, because it would make members more inde-

pendent in the discharge of general duties, by freeing them from the trammels of local interests and prejudices. Sixthly, because it would put the rich and poor upon one common footing. Seventhly, because its value was illustrated by the example of nearly all the greatest men of the mother country, many of whom would have been excluded from Parliament in mid career but for its operation. And lastly, because a measure such as this is indispensable to the successful working of the new colonial constitution. Opposition to the bill has come from two parties; from some of the friends and from the enemies of the present Government. The former oppose it on two grounds. Some desire time to consult their constituents, and in reply I will say frankly to those whose good opinion I respect and upon whose good faith I know that every reliance can be placed, that if the introducers of the bill were standing in a different position, they would not have the slightest hesitation in yielding the desired delay. But let me ask our friends to transfer, for a moment, to England, the scenes which are being enacted here. Suppose a public measure, announced in the Queen's Speech, was subsequently introduced by Sir Robert Peel, and that a member of Government, who had never protested against it at the Council board, who had held a place in the ministry for a fortnight after its announcement, had suddenly left the Cabinet, and attempted to throw discredit on the colleagues he had deserted, and to lead up an opposition not to that measure only but to the whole policy of the Government, which for two years before he had approved. Suppose also that the gentleman who had moved the address in answer to the speech from the throne, in which that measure was propounded, without questioning its utility; who, entrusted by the members of the Government with this important duty, had sanctioned and affirmed the general policy they proclaimed—suppose, I say, sir, that such a person had joined the receding member of the Cabinet in leading up a sweeping opposition to the policy of the Government which the one had supported and the other had shared from the formation of the ministry down even to the moment of condemnation;—suppose an opposition thus formed and led, to start up suddenly in the House of Commons, how would it be met by the friends of Sir Robert Peel? How would it be treated by the steady supporters of the Government? Whether they desired delay or not, would they not consider it their first duty to show that they had the strength and the spirit to curb and control such an unnatural opposition? Yes, sir, right or wrong, they would show their strength and union first, and then exercise their rational influence in modifying or restraining the measures of the Government they sustained. Our position at the present moment is analogous to that which I have described, and I say to our friends, that had they met that opposition as it deserved and passed the bill to committee, as they might have done by a triumphant majority, they would have had the game in their own hands and could have dictated to the Government while they held the Opposition at bay. They might then have asked for delay, and every member of the Government would have acquiesced in the reasonableness of the demand. But the question of delay now yields to the

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important issue of triumph or defeat. It is merged in the greater question—shall an opposition so formed and led, prevail over a Government whose general policy an immense majority in this House approve? No man respects more highly than I do the feelings which dictate a proper deference to the opinions of the constituents who are to be the judges of our public conduct; but you should bear in mind that we are representatives and not delegates; that we are here not only to consult but to determine, and to exercise our judgment independently and fearlessly upon every question that may arise, for the good of the whole people, who do not ask from us a slavish reflection of their opinions, but the free expression of our own. The admiral who goes to sea in charge of a fleet has responsibilities to assume. He cannot, when the wind springs up from an unexpected quarter or an enemy approaches, return to port for orders. A general in the field does not wait for instructions from the Government he represents before every battle which involves its character and his own; and a representative in the hall of legislation must, in like manner, assume, every day and every hour, responsibilities which he cannot for the moment put aside, but for which, like the high officers of the army and navy, he may be ultimately called to account. The nobleman at the head of this Government often has to assume weighty responsibility, and to do in Her Majesty's name acts which Her Majesty may not approve. Every member of the Council, during the long recess, is also bound to act promptly, and at the peril of public character and position, in a thousand cases where he cannot consult you, who are ultimately to be his judges. Why, then, should you shrink from the independent discharge of your duty? Why lend strength to the real enemies, not of the measure, but of the Government, by seeking delay? I believe that, if the constituency were consulted, what was said by the honourable gentleman from Amherst of his, would be found to be true of all. Some, he says, were for the bill, some were against it, and some were indifferent to it altogether. Why that indifference? Why did they not see in it all the phantoms which have been conjured up within the last three days? Because the people knew that, of the six members of Government required by our constitution to have seats in this House, at least four would probably sit for places where they resided and were not much alarmed by the prospect of the other two throwing themselves upon the country for their election. But even if we were to yield the required delay, what advantage would you gain? What constituency can be so well prepared to decide as the members around these benches are, after a protracted debate has drawn forth almost every argument for and against the measure? Another ground of opposition urged against the bill by the friends of the Government arises from the apprehension that it will increase the influence of Halifax. When I heard this objection urged by the honourable gentleman from Londonderry, I felt that even if there were a remote possibility of such result, he was the last person who should have suspected me of any such design. That honourable gentleman well knows that but a few short years ago, Halifax had not only a monopoly of the

Executive but of much legislative power, utterly irrespective of the wishes and the influence of the country. Does not the honourable gentleman remember the time when every member of the Executive Council but one resided in Halifax; when the whole Legislative Council belonged to Halifax also, and did not even permit the country to hear the sound of their voices; and when from the very nature of the system, tending to a perpetuation and consolidation of power, an immense influence was exercised in the lower branch, which the people possessed no means to control? How strongly does the aspect of affairs at this moment contrast with the past? Now by the new system, at least four out of the six members of the Council who sit in this House will probably represent country constituencies to which they must pay due respect. Of the three who sit in the Upper House, some will have been raised and trained in, and have strong sympathies with, the interior. But the great boon which the country has acquired is the power to mould and influence the Executive at pleasure. The honourable gentleman well knows that as Halifax has but four members and the interior forty-seven, the country and not the town has now the real power, and that this is the result of the changes for which we mutually contended and which have been wisely introduced. As respects non-resident representatives residing in Halifax, there are but two in the present House—a smaller number than there has been for a series of years. Of what then is the honourable gentleman afraid? He may carry his mind back to the time when the outports were closed, and when Halifax possessed a monopoly of foreign trade, and he may find among those who helped to break down that system the representatives of Halifax, whom he now accuses of wishing to exalt the metropolis at the expense of the country. No, sir, we have no such design. We believe that this bill is an essential part of the system we have laboured to establish, and therefore it is that we stand here to advocate it upon its merits. But may I not ask the honourable gentleman from Londonderry, who were the men who opposed the changes by which the country has attained its natural influence—who defended and protected this Halifax monopoly? He will find them in the two individuals by whom on this occasion he happens to be led, and who oppose this bill because they see clearly enough that it is a necessary part of the system which they have always opposed. Suppose this bill to pass and all the evil consequences to flow from it that have been described, could the country ever be placed so low in the scale of influence, by ten degrees, as it was four years ago? No, sir; more than one-half of the Legislative Council now reside in the country, and if some of the members do not attend to their duties, that is no fault either of the people of Halifax or of the Government; and if this bill passes, while every country constituency will have an independent right of selection, a vote of the representative branch can still, at any time, compel the members of the Government to throw themselves upon the judgment of the country. Sir, whatever others may have said or may say, I am not one of those who wish to establish here only the domestic part of the British Constitution. I seek it with all the checks and guards

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which are necessary to its safe and practical working, giving to the people all influence and control, and to the Executive all the facilities which experience has shown to be necessary to the beneficial exercise of executive authority. When new and invaluable principles have been yielded to the colonies by the Crown ; when both the great parties in England have lent us their sanction and assistance to establish a system of self-government, working by representative institutions, shall it be said of us that we are unwilling to receive this great boon in a proper spirit or that we shrink from the perfection of what has been so well begun ? Shall it be said of us that we have contended for the right of condemnation, but have denied to the accused the right to appeal from limited numbers and local restrictions—that we subject public men to responsibility, yet forbid them to throw themselves on the country ? The honourable gentleman from the county of Hants has admitted that this bill will be early acted on. He is right ; and if he is, there is not the danger in it that gentlemen apprehend. But though it may only apply to one or two cases in each general election, it will be useful in all time to come, to all parties, to the Opposition as well as to the Government, giving to public men greater security and to the people a wide range of selection. It has been suggested that the qualification of non-resident candidates should be raised. To that I have no objection ; but, gentlemen, you will perceive that that is a detail to be discussed in committee and that we are now only called upon to sanction the general principle of the bill. It has been said that strictly local representation is indispensable because local information is required, but by a rule of the other branch, no local bill is allowed to pass which has not been read at the sessions of the county from which it emanates ; and even if this were not the case, as each county will send in one, two, or three resident members with each non-resident, there never can be any want of local information. The learned Speaker of the House and the learned Solicitor-General are non-resident members, but have they not taken much pains to ascertain the wants and wishes of those they represent, and do not their colleagues bring with them all the information about roads and bridges and other country interests that is necessary to wise and satisfactory legislation ? How easily in the majority of cases is this local information to be obtained. Truro, Onslow and Londonderry, for example, form one street ; there is scarcely a man in one township that does not know every man in the other and every road and bridge upon which they travel. Why should not a man living in either of those places have the right, if the people are satisfied, to represent the other ? Windsor and Falmouth are on opposite sides of a river ; not only do the freeholders know each other, but every man knows even the horse which his neighbour rides ; and shall it be said that if a man living on one side represents the other there will be any want of local information ? Coming to Halifax, what do we find ? A man living on the market wharf, with little intelligence and a forty-shilling freehold, may offer in the capital ; but a person of the highest attainments and worth £10,000 is excluded if he resides on the opposite side of the harbour.

Is that a system which should continue? It has been said that by the Corporation Act we confine the aldermen to a property qualification in the different wards. The reason is clear. They are called upon to act as magistrates, and residence is essential to secure proper distribution; but members who come here to legislate will leave magistrates enough behind them to keep the peace.

The honourable member for Guysborough is apprehensive that a bill to enable members to vacate their seats will follow, and that corrupt resignations will be the consequence. Of course, gentlemen will resign if there is good reason for their so doing; but there is no reason to suppose that gentlemen will not have the same desire to resist any improper temptations that they now have to avoid any action which would appear disreputable or would entail disgrace. Suppose members were allowed to resign? Have they not that privilege in England? "The Chiltern Hundreds" are never refused to any member, whether he supports the Government or belongs to the ranks of Opposition. Such a provision is much required here. On accepting the office I hold, I would gladly have gone back to my constituents, but under our law nothing vacates a seat but an absence of two years from legislative duties. A man may absent himself for a year, but the constituency cannot resent it. He may have the strongest motives to retire and yet has not the privilege. Is this wise? Is it English? I think not; and I believe that such an improvement of our law would be a relief to members and beneficial to the interests of the people. My honourable and learned friend from Sydney, Mr. Henry, seemed to think that the Government had departed from a rule they had laid down in regard to the mode in which local appointments were to be made. One word of explanation on this point. The Government never did admit that the recommendation of gentlemen here should in all cases be followed. They could not thus surrender the right of Her Majesty's representative to make all appointments. They are at all times happy to receive the suggestions of gentlemen enjoying the confidence of large constituencies and place much reliance on the value of their local information. In many cases their recommendations are followed, but when any reason either of local interest or general policy interferes, the Government of course are bound to take the responsibility of independent action. My honourable friend from the county of Sydney, Mr. Forrestall, will not be moved by anything I may say in favour of this bill if he has not been already convinced by the manly reasoning of his brother. I am sorry, sir, that on this occasion they are not more nearly allied in sentiment. My honourable friend is fond of classic allusion, and I may tell him that I regret they are not more like Damon and Pythias, or Castor and Pollux; or if he will take a scriptural illustration, united in debate like David and Jonathan and in their votes "not divided." 'Tis lucky they were not twins, for I fear they would have quarrelled before they were born; but if they were the Siamese twins, I think we should have the best of it, for my learned friend who is with us being the stronger, there would be some chance of getting two votes instead of one. My honourable friend observed that there

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was nothing in Lord John Russell's despatch about the bill. The reason is obvious. It probably never entered into that nobleman's head that we had any other than the English system; but if it had, my honourable friend will at once perceive that there were a thousand things necessary to be said and done to carry out the general principles of Lord John Russell which could not be crowded into a short despatch. My honourable friend referred to Homer for a warning illustration. The true value of the classics is not merely to refine the taste and cultivate a felicity of expression, but to furnish rules of action in trying and difficult situations. Now, I will put it to my honourable friend, if he were in the field of Troy at a moment when hostilities were about to commence, if the Greeks were drawn up on one side and the Trojans on the other, whether he would abandon his old companions in arms for some trifling differences of opinion and throw himself into the enemy's ranks because he had some scruples as to the mode of conducting the war? He would not do this in the field, why should he in the Legislature? My honourable friend told us of the wooden horse of Homer. He will pardon me for reminding him of Mazeppa's wild horse, which was one of flesh and blood. My honourable friend has one of the best hearts in the world and an excellent judgment, but unfortunately so much imagination, that every now and then his judgment gets mounted on his imagination and away it flies like Mazeppa and his horse, starting at every object in the path, bounding over the dreary wilds of doubt and apprehension.

It now becomes my duty to approach the arguments of a different class of opponents, those who not only oppose this bill but are the avowed enemies of the Government of which I am a member. In dealing with these, in reviewing the extraordinary speeches which have been made here within the last two days, I may be permitted to observe that for some time many who wished well to the present Government, who respected its character and admired the policy of the nobleman at its head, have had forebodings that the present administration had some supporters who were worse than open enemies; that there were some who clung around it, not to facilitate its progress, but to stay its onward march; some who either hoped that Lord Falkland was not in earnest or did not know what he was about; and others who "laid the flattering unction to their souls" that he might be misled by those who came in the guise of friends more easily than he could be defeated by avowed opposition to his views. Shrewd have been the suspicions, and the course of this debate proves that they were well founded, that there were some who were not unwilling to share the influence and dispense the patronage of the Government, while secretly they disliked its principles, and never lost an opportunity to weaken and undermine it. Before turning to these I have a word or two to say to an opponent of a different description. The honourable gentleman from Pictou, I must confess, is a different style of man. He has always opposed what he calls "responsible government" steadily and openly. Of him I will say that, if the olden times were to return again in which men met by the hillside to determine differences of opinion by the sword, there is none with whom I would sooner cross a blade

by day and lie down on the heather beside at night secure from treachery or surprise. And sure I am that if when our strife was over we had taken service under the same leader, he would have acted fairly throughout the war, and when he quitted the camp, would attempt to cast no stain on the chieftain who led him or on the man who had fought by his side. So much for the honourable gentleman's character ; now for his arguments. He says that at the opening of this debate I failed to convince him. It would be a matter of surprise indeed, sir, if I had, for I may plead guilty to never having convinced him of anything in the whole course of our legislative experience. Nay, if I could even speak that rich and picturesque language which he claims as his mother tongue ; if I should even talk to him in Gaelic, my accents would fall on a most unwilling ear. The honourable gentleman boasts that he has opposed every measure brought down by the present Government. I am sorry for it, but I am not without consolation, as almost every one has met with the deliberate approval of this Assembly. The honourable gentleman turns back to the olden time, and is apprehensive that this bill will work some evil to the descendants of worthy old gentlemen who lived twenty years ago. He conjured up before us the shades of the departed, who were contemporaries of my father ; men of good hearts and much experience, useful in their day and generation, and every way entitled to respect. But what does this prove ? They are gone ; their system has gone with them, and you can no more recall it than you can bring them back reanimated from the tomb. The honourable gentleman says that they erected the Province Building. They did, sir, and it is a great building, but it might have been a better one ; they reared it in all its splendour, and lived in it in great state, like " gentlemen of the olden time." They occupied the flat below, and laughed at and defied to their teeth successive Houses of Assembly. There was no responsible government in those days. The honourable gentleman has boasted of one of their great works ; there is another which ought not to have escaped his memory. They elevated the Provincial character by that stupendous and very successful achievement, the Shubenacadie Canal. That, sir, is not the only instance that might be adduced to prove that, with all the virtues of these men, they were liable to mistakes and could at times make ducks and drakes of the public money. But, sir, we cannot revive the past. We cannot go back as the honourable gentleman wishes ; and he might as well attempt to get the men of the present day to wear the costume of the last half-century as to revive the system of government adopted in an earlier age. I might turn the honourable gentleman to the ancient worthies of his own country. Fingal and Bruce were great men in their day, and the fame of Sir William Wallace is at least equal to that of his namesake whose memory he venerates ; but although I read of these great men and admire them as much as my honourable friend, their mode of administration would not be more inapplicable to modern Scotland than that of old Mr. Wallace and Mr. Morris would be to Nova Scotia at the present day. New systems grow up with new circumstances and generate new ideas ; and the mother country has, under the

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principles which we are endeavouring to apply, without losing her veneration for those who lived before they were developed, become the wonder of the world.

The colleague of my honourable friend—I mean the learned member for Pictou—favoured the House with some observations last evening; but although my memory is pretty good, I cannot remember anything he said and therefore conclude he did not say anything that was worth remembering. The honourable member from Guysborough assured us that he was not opposed to the Government. I know not why he should be. I take it for granted that the honourable gentleman knew what he was about in times past, and certain I am that during several years he voted for responsible government over and over again and against Sir Colin Campbell, because he would not put the system we are now administering into operation. Perhaps my learned friend has come to the conclusion that he has done enough in one direction and now wishes to turn back to the point from whence he started; that having done some good, he may safely do a little evil. Whatever may be the cause, I must confess, of late he can never quite make up his mind to give the Government a vote, although he is always ready to vote against it. He says that this bill was laughed at when first introduced. What then? Many good things have been laughed at before now, and among others the great Guysborough road. When that learned gentleman and I first introduced to the House the proposition to make that noble highway, we were met with sneers from every side. But we persevered, and in a few years that valuable public improvement will be completed, and stand a permanent proof that those may be mistaken who smile at what they do not understand. The Halifax Incorporation Bill was laughed at immoderately once; but now it is recognised as a good measure by five-sixths of the population. Atlantic steamers were laughed at; yet they cross the Atlantic with the regularity of a coach. Gas was also laughed at; and yet now it excites no surprise, but enables my learned friend to find his way home after dinner, although I cannot throw light enough into this debate to enable him to see his way clearly to vote for the bill. The learned gentleman, I think, lays too much stress upon consulting his constituents. If his views are to prevail, the Governor should be advised to make his speech in the dog days; submit his measures in the autumn; and then members would have ample time for consultation and be prepared to vote in the winter. The learned gentleman admits that there is no great harm in the bill, but then “he sees something behind the curtain.” He is nearly as keen-sighted as an old friend of mine, who used frequently to ejaculate, “I see—I see,” and whenever he said that, you might be quite sure he saw not an inch beyond his nose. The learned gentleman, who asked for a year’s delay, knows pretty well that the British Parliament are constantly called upon to deal promptly with questions of the greatest magnitude. Previous to the meeting of the last Parliament how few really understood the financial plans of Sir Robert Peel. These could not be disclosed till the meeting of Parliament, because they affected ten

thousand different interests; but the minister went down to the House, submitted his statement, brought in bills, and the majority that supported his Government carried them triumphantly through. But fancy what would have been his surprise if his friends had said, "There is a great responsibility resting on us; here is something that our constituents do not understand; allow the whole to lie over for a year, and when it shall have been discussed in every part of the kingdom we will come back and help to carry it out." Such a course as that, sir, would have shattered Sir Robert Peel's Government in a week!

The honourable gentleman from Queens (Mr. J. R. Dewolf), caught at an expression which fell from one of the advocates of the bill, and argues that if it gives strength to the Government, it must take in an equal proportion liberty from the people. But does not the honourable gentleman perceive that the stronger you make your Executive under the present system, the more power you give the people whose high privilege it is to guide and control it? Under the old régime the Governor was a mere puppet—the people possessed no effective control. The officials who could not be displaced by either, held and entailed their offices in spite of both and monopolized all the power. Under the present system, the people and the Governor have more power—the officials less. The honourable gentleman is mistaken when he asserts that the Reformers laboured to convince the country that public officers should not sit in the Legislature. The Reformers never objected to a limited number of the higher functionaries holding seats in the Legislature, dependent upon public opinion. What they *did* object to was, placing such persons for life in the Legislative Council, independent of all control. The Reformers well know, and the supporters of the present Government feel now, that having the heads of departments in this House gives the people an influence over them, to be acquired in no other way. Take my own case as an illustration. The worthy old gentleman who preceded me in the excise office held his place for life. Until the arrival here of the despatch so often alluded to, the Governor could not operate upon him—a vote of this House could not displace him. But I stand in a very different position. I accepted the office because I believed that I could serve the Government and retain the confidence of the people; but I accepted it with the tenor and spirit of the despatch before my eyes and with the conviction that as that document would have been no more than waste paper if running counter to the great stream of colonial feeling—embodying as it does the sober judgment of British America, it was an instrument which no private interests should be allowed to violate. My office then is at the disposal of his Excellency, not only when I misconduct it, but when any reason of State requires that it should be yielded into his hands. But yet I hold it by a nobler tenure than mere Executive caprice, by the confidence and support of this Assembly. While I retain that confidence there is little danger of my being displaced; when I lose it, my office should go with it to enable the Government to secure the services of a more worthy and a more highly respected public man. This

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brief reference will enable the honourable gentleman to understand the difference between the old system and the new. The honourable member for Kings, in the course of this debate, has certainly not done to others what under similar circumstances he would have expected should have been done to him. None of that gentleman's late colleagues complained or had a right to complain that he had left the Council or that he differed with them upon an important measure. Such difference and such separations are to be looked for under the system we are called to administer. Those who cannot concur in the policy of the Government, as a matter of course retire and do their best to make it change what they disapprove. But we have a right to complain that the honourable gentleman held office a fortnight after this measure was announced in the Governor's speech, that he gave us no fair notice, and that, in making his stand against the bill, he ventured upon denunciations of the general policy of those with whom he acted for two years and dealt in insinuations calculated to damage the character of the nobleman at the head of this Government. This may be denied, but suppose a man intimately associated with a family for years, mixing freely at the fireside, and conversant with the character of each of its members. Suppose he afterwards differed with the head of the house upon a particular topic and the intercourse was broken up, and that in describing the cause of the quarrel he had represented that house as dangerous to the whole neighbourhood; fancy him shrugging his shoulders and insinuating that he could disclose something, only that his lips were sealed—that he could ask questions but did not like to draw out disagreeable truths. What would be the natural inference? Why, that his friend kept a house of ill fame. It was not because the honourable gentleman left the Government, but because he left it after this fashion, that we think we have a right to complain. But, sir, we will not allow the fair fame of a Government which the honourable gentleman will hardly venture to attack to be insinuated away, and I here openly and in the face of the public defy him to bring forward any charge, founded in the confidence of Council, that can for a moment justify the inferences and insinuations with which he has endeavoured to perplex this debate. The honourable gentleman intimates that this measure is to be followed up by others, each worse than the last, until the liberties of the country would be reduced to a single plank. That was a description of Lord Falkland's Government which, if it were true, certainly would justify the honourable gentleman's retirement, but if it be false, overwhelms with dishonour the man who, enjoying that nobleman's confidence, thus pictures him to the country, meditating the most black designs.

The honourable gentleman has said that my opening speech was a signal failure. Perhaps it was, although I am rarely discouraged when I most signally fail to make any impression on him. Let us try if the honourable gentleman's own logic will bear examination. He told us that six of the Executive Council are here already, and that if this bill passes we shall be

reinforced by four heads of departments, making in all ten members bound to act with the Government. Now, the honourable gentleman very well knows that as the departments become vacant the members of Council are to have them, and that if any of the old incumbents get seats here they will also be entitled to seats in the Council, so that in either case the number never can rise above six; and yet the honourable gentleman knowingly and wilfully has increased it to ten. Another of his extraordinary statements was that I had forgotten to tell the House that Hume purchased a seat in Parliament. I certainly did forget this. Hume sat first for Aberdeen. Does the honourable gentleman mean to tell us that that ancient Scottish city was purchased by an individual? Then he sat for Middlesex, and I am sure that the whole county of Kings, in addition to all Hume is worth, would make but a moderate bribe for the electors of Middlesex. But then he bought Kilkenny. Kilkenny!—I will believe it when I hear that the honourable gentleman has bought the island of Jamaica. The honourable gentleman is much afraid that a jocose observation of mine will be ill taken by the ladies in the country. There is little danger of that if what I really do say is not for evil purposes misrepresented. In saying that the farmers of Falmouth took nearly as much care of their horses as they did of their wives, I only said that which their wives knew to be true, and which I wish I could say of all other parts of the Province. As respects the ladies of Kings,—and handsomer ones there are not in the world,—they will not find fault with me for saying that a Nova Scotian should be left free to take a good wife or a good representative wherever he can find one. But what does the honourable gentleman's reasoning amount to? He would say to the pretty girls of Horton, you must not marry out of the township. You must not look across the mountain at the beaux of Windsor, or over the river at the bucks in Cornwallis; but above all things beware of the rich men of Halifax. Now I would say to the girls of Horton, let admirers come from all quarters and pay their homage; you are not bound to marry them unless you like; and to the voters of the township, let candidates do the same, and if you do not like them you can exercise your own judgment and cast them aside.

The honourable gentleman misrepresented what I said of Mr. Lafontaine. That gentleman was not rejected by his countrymen. He was driven by open violence from the hustings of a French county, and my argument was, would you on that account exclude him from appeal to an English or any other constituency. The honourable gentleman represents Mr. Baldwin as an unpopular man; this shows how little he knows of Canada. As has been well said by the member for Yarmouth, his standing may be judged by the fact that five-sixths of the representatives of the united Province sustain his view and support the present Government. The honourable gentleman endeavours to frighten the country with threatened invasions from Halifax; but does he not remember how often all the wealth of Windsor, backed by all the wealth

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and non-residents of Halifax, were defeated by the independent yeomanry of that little township, who were for years represented by my old friend Dill, and of late years have sent men of their own stamp to guard their interests on these benches. The honourable gentleman says he would not give a representative to places which had none to send. Suppose the Church and Wesleyan missionary societies acted upon this principle, many places too poor or too ignorant to furnish teachers would be left without the light of the gospel. The honourable gentleman threatens me that at the next election I shall be opposed by some person from his neighbourhood. I can only say in the language of Sir Francis Head, "Let him come if he dare." If he professes the honourable gentleman's principles, the constituency of Halifax will know how to give him a warm reception. I could scarcely help smiling when the honourable gentleman described Lord Falkland as the destroying and himself as the guardian angel of the liberties of the country; and my own impression is now, that the people of Nova Scotia, from what they know of both parties, would just as soon entrust their liberties to the care of his Lordship as to the honourable gentleman for Kings. He standing on the last plank of our freedom to defend it! Why, sir, there was a time when we had but one plank and when the honourable gentleman took his stand upon that and vowed it was enough and that we should have no more. But the people of Nova Scotia were wiser, and plank after plank was laid of the good ship Responsible Government. Those experienced workmen, Durham, Russell, Sydenham assisted at the launch, and now, with a good crew and Captain Falkland on the quarter-deck, those who have embarked their all of hope and reputation on board, see with pride her capacity to brave the battle and the breeze. Sir, there may have been those on board who did not approve of the objects of the voyage and who only entered in the hope of a mutiny offering a chance of putting about ship and wrecking the lives of the passengers and the character of the commander; but the discipline of our ship is like that of the Somers, and those who conspire against her safety must take the consequences. It is true we have lost a hand, but I cannot but fancy that the ship seems lighter already and that it is a loss which can be easily repaired.

In turning to the speeches delivered by the honourable and learned member from Queens, I cannot but observe that it is strange that he should have called himself a supporter of the Government for two years, professing to approve of its principles, and that he should not have known what it was he was supporting, or what he approved. It is strange that he should have moved an address at the opening of the session without avowing his intention to oppose the Government, not only on this measure but on the whole scope of its general policy. Strange is it that he should have read Lord John Russell's despatch, and yet did not, on one of the points which he has raised, know that its authority was decisive, and that he should now oppose this bill, not on its merits, but because the presence here of heads of departments and their occasional removal, might be consequences to flow from its passage. It is quite as

inexplicable that he should now be so fearful of increasing the influence of Halifax, when he steadily opposed all those changes by which her old monopoly of executive and legislative power was struck down. All this is passing strange, and yet I think I understand it. The learned gentleman denies that any analogy can be drawn between the principles which govern a great country like Britain and those which regulate the public affairs of a small colony like Nova Scotia. I admit there are questions of magnitude which cannot be overlooked, of varied and powerful checks and combinations which must be taken into account, and yet I am prepared to contend that both countries have much in common to which the same principles may be safely applied. The simple rules of architecture by which a cottage is raised are the same which sustain the magnificent proportions of a temple. The principles by which the smallest Geneva watch is regulated vary but little from those of the clock whose voice is heard above the din of a crowded city. The rules of arithmetic by which £5 are reckoned will suffice for the computation of the National Debt. The laws of navigation by which a shallop is guided across a narrow sea preserve the stately frigate which circumnavigates the earth; those fluids by which the smallest spring is replenished swell the expanded basin of Ontario; and, rising from nature up to nature's God, the simple truths of religion which cheer the peasant's humble cot inspire the most solemn service of the most august cathedral. Why then should not the practice which has grown out of representative institutions in the mother country be equally applicable to the working of representative institutions here?

I have heard of thirteen colonies driven into rebellion by the refusal of the same powers which we in British America claim. Those who would not understand or would not yield responsible government were ultimately compelled to sanction independence. If we turn to Canada, what do we see? The same rights conceded in 1843, that, if acknowledged in 1836, would have saved hundreds of lives and four millions of money. But it is said that in England there are distinct parties in Parliament and in the country. Have we none here? Were not the lines sufficiently definite which divided those who sought the introduction of this system and those who struggled against it? Happily those lines are fading; but have we not now two parties,—parties which will soon become more intelligible and more compact,—those who oppose and those who support the Government? To which of these the learned gentleman belongs he seems reluctant to acknowledge; but I do not hesitate to avow that my lot is cast with those who are honestly but moderately endeavouring to carry out the principles he views with so much alarm. The silent influence of members of the Government here has been referred to; but are there no silent influences operating on them? Does not every member of the Government who shares in the deliberations of this House catch a portion of its spirit and feel pressing upon him at every moment deference due to its higher powers? Can a man of honour be insensible to its criticism or estimate lightly the importance of preserving its confidence? But had the

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Executive no influence under the old system, when the members of Government sat in the other end of the building, rejecting your resolutions, throwing out your bills, destroying your revenue, sneering at your privileges, and charging disaffection whenever you made a remonstrance? The honourable gentleman tells us that he has become alarmed by some extraordinary opinions in the press. What have we to do with them? If he reads at all, he certainly must see every day extraordinary opinions in the press. Its pages, just now, certainly exhibit opinions as varied and extraordinary as at any time within my remembrance. But I know not how the Government can be held responsible for what is published, for the newspapers which support the Government take the lead in finding fault with everything it does; and those which praise one half of the Council generally contrive to abuse the other half. If a tithe that the friends of my colleagues say of me were true, or if I believed what some of my friends say of them, we should certainly not act long together. But we have disregarded much that was said on all sides; knowing that while the government was conducted in a spirit of fairness and deference to enlightened public opinion, we need not be afraid of the watchful, though ill-directed, comments of the press. But the learned gentleman from Queens has become suddenly solicitous about the fate of the public officers. On this point it is important that there should be no misunderstanding. Under the old system, the Collector of the Customs sat in the Executive Council, holding both offices for life and having the patronage of thirty or forty subordinate places connected with his department. The Secretary held a seat in the Council for life, and he appointed all the deputy registrars throughout the Province and the clerks in his department. The Chief-Justice nominated all the sheriffs; the Postmaster-General appointed all the deputy postmasters and couriers; the Clerk of the Crown all the country prothonotaries. The Governor had no power of removal and he could scarcely make an appointment. Everybody had patronage but him; everybody had something to give away, some means of creating influence and rallying a party, but the Governor. He was like the man in the almanac, surrounded by the signs of the zodiac, each exercising an influence upon him without his having the slightest power to control their operations. Thus surrounded, by persons accountable in no way, a Governor could neither discharge himself of his responsibility to the Crown or fulfil his obligations to the country. How did the system operate upon this House? The minority here—not the majority—shared the confidence of the Government and enjoyed its patronage. Successful leaders were men to be marked, not to be trusted, and generally when a country member returned to his home, after a fatiguing session, he had the satisfaction of seeing his bitterest personal or political foes promoted in the next *Gazette*. That was the precious system which the learned gentleman admires; but against which every British Colonial Assembly entered again and again its solemn protest. It fell before Lord Durham's searching investigation which proclaimed it ridiculous, and before Lord John Russell's despatch, by which it was finally struck down. To Lord

Sydenham was entrusted the task of calling into operation new principles ; and notwithstanding the abuse which has been heaped upon him, a more invaluable friend these colonies never had ; nor was there ever a statesman within our borders who held in more sovereign contempt the system by which we had been misgoverned. The Premier of England, it was hoped, would throw himself in the gap to stay this great colonial revolution. But how little was known of him by those who expected such a sacrifice at his hands. Sir, when Sir Robert Peel went down to the House of Commons, at the head of a triumphant majority, what was his reply to the speech from the throne ? “ May it please your Majesty,—We can consider nothing until your Majesty is surrounded by advisers who enjoy the confidence of Parliament and the country.” Expect the man who wrote that declaration to protect your little colonial monopolies ! The idea is absurd. Sir Charles Bagot came out to Canada a Conservative of high honour and character. He condemned the old system and cast it aside ; and Lord Stanley, by the support and confidence given to those who are trying this great experiment, even more than by any written declaration of opinion, condemns it too. Can the learned gentleman from Queens expect us to return to modes of administration which are not attempted to be defended by any rational man of any party at home, which cannot be defended by our own painful experience ? But it is said, how are these principles to be carried out as respects the heads of departments ? Have not intimations been given that they will be expected to go upon the hustings ? I will endeavour to answer these questions. At one time, it was more than suspected that some of these persons, from dislike to the new principles, were opposing and intriguing against the Government by which they were being introduced ; that while receiving its pay and sharing its influence, they were endeavouring to damage its character and defeat its measures. Lord Falkland sent for some of those persons and said : “ I and my advisers are disposed to carry on the Government in a spirit of generous forbearance, but I cannot permit those who should give us their assistance to embarrass us by opposition ; and therefore it may be necessary at the next election for you gentlemen to throw yourselves on the confidence of the country and place yourselves in positions where your conduct can be liable to no misconstruction,—where you will be expected to support the Government or resign.” This was language justified by Lord John Russell’s despatch ; justified by the position of public affairs. That despatch makes the tenure of office dependent on the exigencies of the country. We have no power, even if we had the inclination, to withdraw it. These men hold their offices at this moment under that despatch. This House may compel the Governor to apply its principles to them ; the Governor may call upon them to appeal to the people or resign. But while his Excellency possesses those high powers,—which we cannot deny if we would,—which he cannot resign, I think I may appeal to the past for an assurance that no exercise of them will ever take place in a spirit of harshness and oppression. Sir, notwithstanding the misrepresentations which are made

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from time to time, I am proud to be able to say that during the two years and a half that Lord Falkland has administered this Government, not a single public servant has been dismissed, of any shade of politics; and that, in dispensing the patronage of the country, character and ability to discharge public duties have not been overlooked; these having been sought either within this House or beyond it, without a sacrifice of character on the part of the Government or of honour on the part of those called into the public service. Persons who talk of the corruption of the present system, should reflect that every judicial officer from the Chief-Justice and the judges down to the poorest magistrate, is independent of Executive control. In most of our habitations there is a Bible and a history of England, and there is not a schoolboy in the country who would not resist any attempt to subject those who are to administer the law to the influence of the Executive. The judges of probate, about whom much has been said, are equally independent, and have proved it by voting here against the Government by which they were supposed to be "clinched." But should this independence extend to other than judicial affairs? Certainly not. What is the duty of the Executive? To embody and carry out the will of the majority of the people, expressed through their representatives. Public officers are the agents by which alone this can be done. Disobedience, treachery, open or covert opposition, is an offence not only against the Government, but against the majority of the people whom it represents. And shall it be said that any individual, paid by the Government to aid its operations, shall be permitted to use the very position given him to embarrass or annoy? The learned gentleman from Queens tells us that no British people will submit to such a system; but I can show the learned gentleman that British people do submit to it and that in England the rule is perfectly well understood. When Mr. Huskisson on one occasion informed the Duke of Wellington that he must vote against him, the latter's answer was: "Mr. Huskisson may do as he pleases, but the President of the Board of Trade must support the Government." This is an example for the learned gentleman, on authority he will scarcely venture to dispute; and the persons he seems so solicitous to serve must have a care how they bring themselves within the rule. This is the system, sir, and these are the rules of administration which we are endeavouring to apply. With respect to this bill, for the reasons given, our friends will perceive after what has occurred, we are bound to press it to a division. What may be done at any subsequent stage will be matter of consideration; but we throw ourselves upon the intelligence and firmness of the House. Sir, in the trying times of England a phrase was used which stirred the people's hearts in many a doubtful day. Men were invoked by "the good old cause." The good old cause in England, meant civil and religious liberty, as secured by Magna Charta and the recorded decisions of Parliament. Let not our friend be deceived. This is the good old cause of responsible government for which we have been struggling for years.

This bill is part of a system. Pass it and you make a step in advance;

reject it and you begin to retrograde. For my part, if the whole battle is to be gone over again, I, for one, am prepared to take my share of it ; but I cannot believe that, if it does come, the country will ever affirm the views avowed by gentlemen in this debate. I cannot conclude without casting back with utter scorn the imputation attempted to be cast upon his Excellency the Lieutenant-Governor. It has been said or insinuated that a series of measures were in prospect inimical to the liberties of the people, and this charge comes from a quarter least expected. Sir, in the olden times, the Sovereigns of France frequently dined in public ; and the honourable gentleman from Kings well knows that Lord Falkland might have held his councils in the same manner for the last two years, so little has there transpired in which even a diseased imagination could trace anything hostile to public liberty. What inducement is there to tempt Lord Falkland to betray the trust of his Sovereign : to walk abroad among the people of Nova Scotia, clothed with a garment of lies, for a few years, and bequeath to his successors difficulties with which he had not the courage to deal ? No, sir, if the new principles were applicable to Nova Scotia alone, his Lordship's attachment to the country would induce him faithfully to carry them out. But Lord Falkland takes a broader view of his position ; he feels that he is trying here a great experiment and testing principles applicable to all colonies in all times. He knows that if this experiment succeeds in British America, Her Majesty will have here, by-and-by, millions of affectionate hearts where formerly there was discontent and disaffection ; and that instead of sending her gallant armies to this continent to maintain a miserable system, she may employ them in China and Afghanistan, trusting to her colonial subjects, in times of danger, to form "a wall of fire" along the frontier, and to hand down from age to age allegiance which each succeeding race will have the strongest interests to maintain.

A question which had for some time been agitated in the press and in different sections of the country, came at this session formally before the Legislature. On the 22nd of February Mr. Annand moved the following resolutions, which were seconded by Mr. Hunt-ington :

1. *Resolved*, That the policy, heretofore pursued, of chartering and endowing collegiate institutions of a sectarian or denominational character, is unsound and ought to be abandoned.

2. *Resolved*, That this policy has already led to the creation of four colleges, each of them drawing largely upon the public resources and neither of them efficient.

3. *Resolved*, That it appears by numerous petitions upon the table of the House, that endowments for two other denominational colleges are demanded by large and respectable bodies of Christians, and if the former policy of the Legislature is to be adhered to, these cannot be refused.

4. *Resolved*, That the fluctuations of religious opinions may, at no distant period, create a necessity for further grants to other bodies, for the support of similar institutions, to which they may be disposed to contribute, and for aid to which, if the system is sustained, they will probably prefer their claims.

5. *Resolved*, That the numerous applications, during the present session, for increased grants for the higher educational institutions already established, clearly show that the annual grant of £444 is altogether insufficient to defray the expense of any institution of a collegiate character, and that they will all require increased support from time to time from the Provincial funds.

6. *Resolved*, That to continue the present grants to existing colleges, and to endow the two institutions now prayed for, would require at least £2640 per annum, and that this sum added to the £1700 given to the academies in the shire town would make an amount equal to £4340 devoted to the education of the rich, a number comparatively few, while but £8144 can be afforded for the support of common schools and the instruction in the rudimental branches of the great mass of our Provincial youth.

7. *Resolved*, That assuming twenty as the number to be educated at each college and thirty at each academy, as the basis of a calculation, but six hundred and thirty boys can in one year receive the benefit of the £4340, while the same amount devoted to the support of common schools would maintain two hundred and sixty-four schools, and prepare seven thousand nine hundred and twenty children to read the Word of God, and conduct the ordinary concerns of life.

8. *Resolved*, That the tendency of maintaining so many colleges, and neglecting the common schools, is to withdraw too many of our youth from the pursuit of independence by honest industry and to crowd the professions with persons boasting degrees, indicating but little merit and attracting little respect either at home or abroad.

9. *Resolved*, That the experience of the past too plainly shows that bitter sectarian jealousies are fostered by the present system, by which the great end of all collegiate instruction, the uniting and knitting together the hearts of the people in the love of science and liberal accomplishments, is marred, and strife and discord fostered within the Province.

10. *Resolved*, That while the burthen of maintaining these denominational institutions presses heavily upon such portions of the people as undertake to support them, few of them can afford libraries combining the treasures of the past with the standard productions of modern science and literature; and some of them are deficient in apparatus, absolutely indispensable to the illustration of a respectable course of lectures.

11. *Resolved*, That one good college, free from sectarian control, and open to all denominations, maintained by a common fund, and rallying around it the affections of the whole people, would be adequate to the requirements of a population of three hundred thousand and sufficiently burthensome to the revenue.

12. *Resolved*, That such an institution would elevate the Provincial character, remove existing difficulties, provide our youth with the blessings of a collegiate education, and attract students to its classes from the surrounding colonies.

These resolutions, ably supported by Mr. Howe, were carried by a majority of twenty-six to twenty-one, and a committee was appointed to bring in a bill in accordance with them. We give some extracts from the speech delivered on March 20th on this question. After tracing the rise of different colleges, and showing how each in turn had brought influence to bear upon the Legislature, Mr. Howe said :

I will now turn to some arguments respecting the question of one or several colleges. Why should Nova Scotia differ so much from all other countries? The population of Austria is twenty-three millions ; number of colleges eight, or one for every two million eight hundred and seventy thousand. The population of Prussia may be stated as thirteen millions ; colleges six, making one for two millions and a fraction. Bavaria has three colleges for about six millions. Saxony, one college for about one million four hundred thousand ; and Würtemberg, one college for one million five hundred thousand. France has one college for every one million two hundred thousand. Great Britain nine universities, population about twenty-seven millions, making one for every three millions. Crossing to Nova Scotia, however, the necessity for higher education appears so great, the leisure and wealth so extensive, that a college seems requisite for every fifty thousand of the population. Switzerland has a college which makes one for every four hundred thousand people, and this is the largest proportion in Europe ; but according to that, one college would be sufficient for Nova Scotia for several years,—we now have five for a population of two hundred and fifty thousand. This argument I consider decisive until it is answered. But it has been averred that the Nova Scotia colleges are very efficient, and I have been blamed for calling some of them things, but I am prepared to prove the appropriateness of the term. In the Province it has been intimated that two or three professors only are wanted to make a college efficient. Turning to Oxford, it will be found that Magdalen College has forty fellows, all of whom may be called on to teach. Queen's College, besides professors, has sixteen fellows and two chaplains ; University College twelve fellows and seventeen scholarships ; All Souls, forty fellows ; Brazenose, a principal and twenty fellows (and some in this Province seem to have studied at Brazenose ; if they did, they know what a college is). These institutions have great resources, galleries of art, and libraries. The London University has many professors, and the school attached to it has eleven teachers. How can one or two professors be supposed to be competent to teach all that is requisite, in the face of the experience of all other countries? In the Dublin University, thirty years ago, were about five hundred students, a number of

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professors, with splendid appurtenances of books and apparatus. In Verona College, at one time, were seventy-two professors, and now it has twenty-six. In Belgium there is something like the university which was sketched for the Provinces some years ago. A body of examiners composed of fifty-one members, from the various learned institutions, sit to decide on the qualifications of students before degrees are obtained. The university has a list of professors, which I will not read on account of its length, and the College Royal of Paris has similar ample provision. The Royal Library of Paris, to which all collegiate students have access, numbers nine hundred thousand volumes of printed books, eighty thousand manuscripts, and a million of historical papers. These exhibit what might be done when resources were concentrated, and when a frittering away of means was not permitted. What provisions are there in Nova Scotia for early records? Is there any place in which even an old Almanac is preserved for future reference? In the University of Berlin the teachers of law alone fill about half a page, and the list on medicine is of greater length, beside the departments of philosophy, logic, and ethics. There are branches of information of great importance which are not taught in the Province, such as the political and administrative sciences, agriculture, but which are deemed worthy of several professors in old-country institutions of learning. And, viewing these, can I express any but a depreciatory opinion of those which have been palmed off as efficient for all the wants of this country? It may be said that the system is good for Europe, but will not suit well at this side of the Atlantic. The United States approach nearer to the Nova Scotia system, but there I compute that there is no more than one college for every two hundred and thirty-three thousand people. In the more respectable of those institutions the students and professors are numerous, and the libraries and apparatus ample. We have been driven to adopt the denominational system, but I hope that the Province has not gone so far that it cannot try back and establish one respectable college. The House of Assembly has been charged with changing its opinions—for having, in fact, learned by experience; but do not some who abuse them change opinions also? Do they not change even in matters of religion, and become the polemical enemies of those with whom they formerly acted? Opinions have also changed on all the great principles of colonial government; I do not blame those who changed, and they should extend the same charity to the House on educational subjects.

The memorial which has been presented to the House attempts to mystify by statements that the proposed plan would be more expensive than the existing system. I will examine the statement, and repeat what has been asserted to a contrary effect. There are five sectarian colleges, each endowed with £444, which makes £2220, and the subscription for the whole from the people may be reckoned at £1500. This year one of them asked £1000 for wings, although the sum was subsequently reduced to £500. If the system were to be continued, £1000 would be wanted. Each of the others may be expected to want wings also, which would make a charge of £5000.

If the House feels the pressure now, how would it be if five executive committees were organized and combined. Five thousand pounds was admitted to be the least sum which should be sunk in apparatus and libraries, and that would make £25,000, because instead of having one collection for one institution, one for each would be required. Deducting half of this charge, still £12,500 would remain. That would be a sunk capital of £22,000, the interest on which, with the other charges, would be an annual cost to the people of above £5000. This may be said to be exaggerated, but an examination of the past will support my views. Windsor alone, it is said, has cost the Province £24,000. It has produced some scholars and gentlemen, but what is its present aspect, compared with the efficiency and activity that might be expected? The Pictou Academy has cost the Province £8000, and by subscription £3000 more; it now lies a wreck on the face of the country. Taking all those institutions into account, the Province has expended £42,000, and it is asked whether it will go back, or go on with the system. I deny the necessity of sectarian colleges, and express a confident opinion that the people will judge correctly on such subjects when the whole merits of the case are before them. When I look abroad on the works of Providence, I see no sectarianism in the forest or in the broad river that sparkles through the meadows; and shall we be driven to the conclusion that men cannot live together without being divided by that which ought to be a bond of Christian union? I feel called on to make reference to a cry which was attempted to be got up respecting one religious body, because all the collegiate institutions had been placed on a level as regarded public grants last session. I have been accused of cracking the whip of Catholic ascendancy over a Protestant population. I deny the slander, and will resist the undue ascendancy of the Catholics or of any other body to the last extremity. But I will also resist any attempt at stirring up strife against those who are pursuing their course peacefully. I believe that the principles of civil and religious liberty are in the hearts of the people, and that their cultivation is for the good of the Province. What cause exists for the prejudice attempted? The Catholics have one member of their Church in the Legislative Council, none in the Executive Council, and but three or four in the Assembly. They have conducted themselves with that modesty and moderation which entitle them to credit. They have less than what might be considered their fair share of political power, and they are content and support the Government because they approve of its principles. They ask no ascendancy nor any undue share of patronage. Should not all parties in Nova Scotia live in peace and good feeling, leaving the discussion of disputed topics to the millions who are interested in other parts of the world? For a long period England was Catholic, and during that time Magna Charta and trial by jury were grafted on the British Constitution. Looking at the arts of life, painting, sculpture, architecture, I can find excuses enough for those who clung to that Church, although it is not my own. Let those who seek to undervalue that body

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point to men of higher claims than Fénélou or Sir Thomas More. Where is there a more devoted missionary than Francis Xavier? and, coming to modern times, Father Mathew and his five millions of disciples present one of the wonders of that Church. I say this not from any undue bias or influence,—I will prove to the contrary if it comes to the trial,—but I will not be induced to do injustice to a people because they are not of my mind. Others exhibited as much ambition and persecution as Catholics; and if we are to have a pope, I would as soon have one in Rome as at Horton; if persecution is to be tried, it may as well come under solemn pontificals as under a black coat and tights.

This question brought Mr. Howe and the Attorney-General into direct antagonism. Mr. Johnston was a Baptist, a governor of Acadia College, a personal friend of the leading men who were anxious to build up that institution. In a personal dispute which had occurred some months before between two of those persons and Mr. Howe, he had volunteered interference, which many of that gentleman's friends had resented as gratuitous and uncalled-for. From that period there had been much smouldering ill-feeling and distrust. Mr. Howe had been severely attacked by *The Christian Messenger*, the organ of the Baptist body, and Mr. Johnston as roughly handled in the Liberal press, supposed to be more or less influenced and controlled by Mr. Howe. Neither of those gentlemen could, fairly, be held accountable for all that was written and said by their mutual friends, but upon the broad question of one college or six, they could not avoid a direct collision of opinion.

It was more than suspected that, although Mr. Howe had hitherto carried the Government through by great skill and boldness, his exertions and his success had only earned for him the jealousy rather than the gratitude of his colleagues. Mr. Johnston had listened in silence to the open denials made in his presence of the general principles frankly conceded in the Lower House. He was the intimate friend of Mr. Dewolf, of whose retirement and opposition to a measure sanctioned by the Cabinet, it was shrewdly suspected that he approved. He had publicly attacked his colleague and given countenance, in so doing, to a series of virulent and savage assaults. All this was keenly resented at this period by Mr. Howe's friends, and by none of them more deeply than by Mr. Annand. When the professors of Acadia College, who were Mr. Johnston's bosom friends, took the field as politicians and wrote and lectured publicly against the Government, it was impossible to make any of the Liberals believe that they were not doing so with the Attorney-

General's sanction. During the summer the educational war went on, and the excitement was not abated by rumours of a direct proposition made by Mr. Stewart to Mr. Uniacke, urging him "to get into the boat with Johnston, and throw Howe overboard." It was largely inflamed when the Attorney-General ventured, at a meeting of the Baptist Association at Yarmouth, to stigmatize for their action upon an open question, the conduct of the Parliamentary majority, whereon the Government, of which he was a member, rested for support. This conduct called forth a very indignant letter from Mr. Huntington, who happened to be present.

Lord Falkland visited the eastern and western counties during the summer, and was everywhere well received. On his return, Mr. Howe, who had hitherto made no attempt to carry by excitement his peculiar views of education, thought it was his duty, as Mr. Johnston had addressed public bodies upon it in one or two sections of the Province, to do the same. A meeting was called in Halifax on September 27, at which the sectarian college system was condemned, a series of strong resolutions being passed, almost without a dissenting voice. We insert Mr. Howe's speech on this occasion, as it conveys a pretty fair expression of his general views upon an important question :

Instead of moving and seconding each particular resolution, as there is a series of them, it may save time and be more convenient to speak to the whole, and then, if acceptable, pass them as has been done at some of the meetings in the country, *en bloc*. In looking round the room, I see many "old familiar faces," and naturally ask myself, what brings them here? The answer is, to discuss a great public question and to sustain the view of that question taken by the representatives of our country. The House of Assembly at its recent session, after ample debate, solemnly condemned the policy heretofore pursued of endowing sectarian colleges from the public treasury ; and with a view to negative, if possible, that decision, three meetings were called in the interior—one at Yarmouth, one at Onslow and one at Bridgetown—by some of the parties interested in one of those institutions. These meetings, although the published proceedings were calculated to make that impression, were not public expressions of the opinions of all sects and parties in the counties where they were held ; they were meetings called under the auspices of one denomination, in meeting-houses belonging to that denomination, and were attended chiefly by its members. To meet a system of agitation which others had got up was the object of this meeting. Met it should be, not only here, but if necessary in every county of the Province, until the system of misrepresentation resorted to to serve a purpose was effectually exposed and put down.

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It used to be said in olden times that there were no agitators in Nova Scotia but the Reformers; that this was a quiet country if the people were only let alone. I was anxious that the great party with which I have always acted, having carried in the main the important principles for which they contended, should live down that slander and cultivate friendly feelings with those to whom they had been formerly opposed. They have lived it down, they have held forth the olive to all who, unmindful of the struggles of the past, were disposed to labour honestly with them for the advancement of the country. But as it appears that we are not to have peace, it is our duty to prepare for war; as it appears that grave dignitaries have taken up our old trade of agitation, it may be as well to let them see that we have not forgotten it; since they are disposed, as in times of old, to patronize the minority of the Assembly, it may be as well for us, as we have ever done, to give to the majority constitutional and cordial support.

How the House of Assembly have been treated at these meetings may be gathered from Mr. Huntington's letter. That gentleman says: "I have been thirteen years in the Assembly, and I do not recollect a scene where any person has been held up to the scorn and indignation of the public with such virulence as the representatives of the people were at this meeting (at Yarmouth), professedly a religious one." The question for you to decide to-day is: "Did the House deserve this treatment, even from those not bound by their stations to respect its character and bow to its decisions?"

How stood the question at the last session? Looking back at the past history of the country, what does experience teach? The college at Windsor, founded in 1789, has been in operation fifty-four years. It has been supported by one of the most wealthy of our Churches; it draws £1180 currency per annum from benevolent societies and contributors in England, and yet it has never had but two or three professors and fifteen or twenty students. Taking the amount which King's College now receives from home, and assuming that it has had that income for at least half the time that the seminary has been in operation, and it appears that while £36,000 have been drawn from the mother country to maintain it, £24,000 have been paid from the Provincial treasury. And yet, with all this lavish expenditure the institution, placed on the outskirts of a country village and combining the resources and attracting the sympathies of but one denomination, has never flourished. Sometimes it has had but ten or twelve students for its professors to teach, and the value of its honours has been graphically described by the present Solicitor-General, who carried them off, but who found on presenting his degree in England that it gave no rank and conferred no honour at any institution, naval, military, legal, or classical, and was worth no more beyond the borders of the Province than the parchment upon which it was written; because the college which conferred it was unknown, or if known, its inefficiency was as notorious as its existence. Assuming that three students graduated at Windsor every year, and that the curriculum lasted five, each student should cost, unless I have made

some very absurd calculation, £400 per annum, and £2000 of public and private funds to finish his education. This was the experience which the House had before it with regard to one of these sectarian colleges. Let us turn to another.

The Pictou Academy was founded in 1816, like the college at Windsor in a small town, which could give but little natural support. It was sustained however by a body as large, as liberal, as zealous as any that is now rallying round any more modern institution. It has its president, its attorney-general, its peripatetic agitators, and its newspaper; and yet, with all these resources, after a sickly existence of fifteen or sixteen years, during which time it kept the eastern counties torn by dissensions, it finally became a wreck on the face of the Province and had to be abandoned. Its venerable president has gone down to the grave, yet who will say that he has left his superior connected with any of these institutions behind him? Mr. Archibald has now retired from public life, yet no man who recalls his brilliant speeches, studded with Scripture and compliments to old ministers, will admit that in that line he ever can have an equal. Blanchard has passed away, but will we attempt to compare his vigorous pen with that of any of the modern scribblers in favour of denominational colleges; or place the racy vituperation of *The Pictou Patriot* beside the solemn nonsense of *The Christian Messenger*? All these resources, I repeat, the Pictou College had, and yet it failed because it was sectarian, supported but by one religious body, planted amidst a thin population and endowed by limited and often precarious grants. It cost its friends £3000 in private subscriptions and drew about £8000 from the treasury. The cost of each graduate might be given, but as Mr. Young has gone at large into the statistics, I will not weary you with figures.

Dalhousie College, originally intended not to be sectarian, was ultimately made so. It appears to have been the fate of this institution to have had foisted into its management those who were hostile to its interests; whose names were in its trust, but whose hearts were in other institutions. These, if they did nothing against, took care to do nothing for it; their object was to smother it with indifference. Surrounded by such men, and clothed with a sectarian character, for twenty-three years it stood a monument of folly. Fourteen thousand pounds were expended in its erection, the very interest upon which would swell the cost to £30,000 by this time, and never, till its trust and its chairs were thrown open, and there was a chance of its becoming the nucleus of a valuable Provincial institution, did the friends of liberal education rally round it. It had, till Dr. McCulloch's death, its two professors and sixteen students, but it was and is, like all the others, far from being in such a state as the country now requires.

Acadia College, founded in 1828 as an academy, has drawn from the treasury £300 and latterly £444 per annum. In thirteen years it has cost the country about £4500, and the people, in the form of subscriptions, perhaps £5500 more. It has two or three professors and twenty or thirty

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students. Ten thousand pounds have been expended, yet the institution is in debt; and, if its professors did not lecture about the country in the vacation, while some kind friends carry round their hats and gather miscellaneous collections of gold rings, yarn stockings and shingles, the thing could not be sustained even upon its present footing.

The St. Mary's Seminary grew naturally out of the sectarian system: not that the Catholics wanted a college or felt that they were able to sustain one; but as they were taxed to maintain other people's hobbies, they thought they might as well have one of their own. It will be kept up and draw its contribution from the treasury as long as the system lasts; but the opinion of its Principal in favour of one central college was expressed to the committee last winter, and the opinions of the body may be gathered from the fact that all their representatives in the House voted to abolish the present system.

Now, gentlemen, here was the experience of fifty-four years of sectarian colleges and the results of these five experiments, before the House, ere it took the step which it was compelled to take, and which, I am well assured, not only this meeting, but the Province at large, will ultimately approve. Now let us count the cost:

Windsor College—People of England . . .	£36,000
People of Nova Scotia . . .	24,000
Dalhousie College	14,000
Pictou Academy	11,000
Acadia College	10,000
St. Mary's	2,000
Total	£97,000

Here we have an outlay of £97,000, and if we add £5000 more for the time wasted by the Legislature in strife and contention about these sectarian colleges, we find that they have already cost upwards of £100,000, while not one of them at this moment is deserving the name of college or can give the education which the youth of the country demand. [A person in the crowd asked how many acres of land that would have cleared.] I cannot tell, but this I may say, that looking round upon the great agricultural body, whose sympathies have been appealed to in favour of these sectarian institutions; upon those whose toil has beautified the face of my country, and made the wilderness to blossom as the rose; and who have earned, by the sweat of their brows, the larger part of the money thus foolishly expended; looking round upon that large class, I can scarcely find two successful farmers who have graduated at these institutions, although three of them have been planted in rural districts and one of them has stood in the midst of an agricultural people for fifty-four years.

So much for the past, but what was the present aspect of the question when the House was called upon to deal with it? Were the persons who had

sustained this system and spent this money satisfied? Some of them were; others were not. The Church party were; they ask only to be let alone. The Catholics were quiet. The friends of Dalhousie, thankful for the bounty of the Legislature, were endeavouring to renovate their institution. But there were still three religious bodies in the field. The Presbyterians of Pictou came forward, and demanded £444 a year, to revive the Pictou Academy, and boldly stated that, while other religious bodies got that sum, they would take no less. The Methodists asked aid for an institution at Sackville, and this I may say for them, that they pressed their claims with moderation and were satisfied with what they received. Besides these two new parties, there were our old friends, the Baptist Education Committee, who, not satisfied with their grant having been raised to £444 the previous year, came forward and demanded £1000 to add to the buildings of Acadia College!

The annual cost of the four institutions already in existence was £1720, drawn from the treasury, to say nothing of the sums raised by the people of England and of this Province. Now what were we asked to do, in extension and perpetuation of this sectarian system? Had we continued it, the Presbyterians must have had their £440, and the Methodists could not, their pride would not allow them to, take less; and the Baptists would have got their £1000, so that we were asked to add £1880 to the grant for colleges this year, making £3600 instead of £1720; and to make the permanent charge £2600, leaving several small sects still unprovided for, and no provision made for the fluctuations of religious opinion. Seven thousand pounds is all that the Legislature can afford to support common schools; all that the twenty-five thousand children of the poor and middle classes, who are educated at them, cost the Treasury is about 5s. 7d. each, and yet we were asked to give to sectarian colleges, educating but eighty students, a sum exceeding half the whole common school allowance, and to swell the amount which each of them received from public and private sources to about £45 apiece. Could we do this and yet hold up our heads and look the people of Nova Scotia in the face? Yet, because we would not do this, grave professors and politicians travel about the country to abuse us.

What did we do? Looking at the past with its experience of fifty-four years and its enormous waste of money; looking at the present with its demand for the creation of two more colleges and the extension of another, we saw it was necessary to call a halt, to count the cost, to break up the system; because we saw clearly that, by taking one of the institutions which had a partial endowment, we could, for £800 or £1000, establish a respectable university. There were other reasons which influenced the decision of the Legislature besides the mere question of money; we saw that the sectarian system was poisoning social and public life. We remembered that the Pictou Academy disputes had wasted the time of the Legislature and lasted longer than the Trojan war; we saw the professors of another institution reduced to the necessity of becoming itinerant lecturers and political agitators;

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we saw combinations forming to exhaust the treasury, and menace the independence of the Legislature; we saw that these sectarian colleges, instead of being the abodes of learning and the depositories of a refining spirit and a rational philosophy, were like feudal castles in the olden time, each the rallying point of a party whose only object was to strengthen their own position, annoy their neighbours, and levy contributions on the public. These were the aspects of the past, the present and the future; and surveying them calmly, after ample deliberation, we passed that memorable resolution, which I believe will not only find an echo in this meeting, but in the hearts of four-fifths of the people of Nova Scotia.

But it has been said that we committed a breach of faith. A breach of faith! for a Legislature, informed by experience, to abandon a ridiculous system and go back to sound principles! As well might persons who had taken stock in the canal or built upon its line, complain of a breach of faith because the Legislature, finding that it had wasted twenty or thirty thousand pounds in a premature or impolitic undertaking, refused to grant any more money. The Legislature formerly gave whaling, sealing and salt bounties, and many persons embarked property in the fisheries in consequence; but who ever doubted the right of the House to discontinue these grants, or complained that, to avoid a breach of faith, it ought to throw the money it had after that which had been already wasted? Every new road that is opened, every old one that is altered, changes some man's prospects or injures some man's property; but do the Legislature commit a breach of faith when they consult the general interest even to the injury of a limited number? The return to specie payments changed the relation of property to an enormous extent, and, for the time, seriously injured many; but was it a breach of faith for the Legislature to break up a wretched currency, and get back to a better system? The incorporation of Halifax, the great changes in the general government of the country, all varied the prospects and calculations of parties interested; but surely there was no breach of faith in these changes or in the passage of the resolution which has called forth these familiar illustrations of an argument most fallacious and unsound.

But it is said that the people had petitioned in favour of the system and there were no petitions against it. Now, let it be observed that all the petitioners in favour of the sectarian institutions were only about eight thousand; not half the population of this city, not a third of the population of this county, less than the population of any county, and not above one thirty-eighth of the inhabitants of the Province. Shall it be said, then, that we, who represented not only that portion of the people who had petitioned, but the other thirty-seven portions besides, had not a right to say, when thoroughly convinced that the system was injurious, that it should have no end?

Another complaint urged against the House of Assembly, and I wish to take them in their order, so far as my memory serves, is, that we refused to hear the agents of one of these colleges by counsel at the bar of the House.

We did so. One would suppose, from the outcry raised on this point, that the Assembly can exercise no discretion in granting this privilege; that it is one frequently demanded and enjoyed. How often does the meeting suppose that it has been granted within the last fifteen years? But twice; once when Dr. McCulloch and the present Speaker appeared on opposite sides in one of these sectarian college disputes, and once when Mr. Crawley, one of the very parties who now complain, was admitted to the bar to plead for his own institution. So that all the great questions have been discussed and decided; all the great interests of the country have been varied or influenced, from time to time, and yet everybody else has been satisfied with free discussion on the floor of the House, but the parties connected with these sectarian colleges. Does the House of Commons grant this privilege whenever demanded? On questions affecting private rights it sometimes does; on great questions of public policy very rarely. It lately refused to hear millions of Corn-law repealers by counsel at the bar, because it had already decided upon the question. Why did we refuse? Mr. Huntington has stated two of the reasons: the House had already decided, and it was very late in the session. There were other reasons, also. Four persons craved to be heard by counsel at the bar. One of these was a member of the House, who could make himself heard within the bar whenever he pleased; he had spoken frequently on the question, and if there was anything left unsaid, he might have made a speech any hour of the day. Was it reasonable then for him, who had been sent there to speak for the people, to ask to have his sentiments conveyed to us through a legal or literary speaking-trumpet at the bar? Another of the complainants was a member of the Upper House, and I think I may ask if it is usual for the Peers to be asked to be heard, on a question of public policy, at the bar of the House of Commons? That gentleman could have got up in his place in the Legislative Council, and delivered his sentiments freely, and if he had made a good speech, as he very likely would have done, it is probable that the members of the Lower House would have gone up and heard him, or that it would have been given to us in *The Morning Post* for our general edification. I think you will agree with me, therefore, that these two individuals have, on this score, very little cause of complaint. Of the other two, one was a professor who had been writing and lecturing on the subject all winter, and one was the editor of *The Christian Messenger*, who could favour the world, and had favoured it, with his opinion on colleges almost every week. Besides, there was the less reason for hearing these persons at the bar, because they had presented a memorial, only a short time before, four columns long, arguing the question in all its bearings. These, then, were good reasons, even if there had been no others; but there was another. No sooner had the House passed the resolution, than one of these very parties had attacked the majority who sustained it, and another had insulted the House, collectively and individually, by declaring that there was not talent or information in it to deal with the question. Under all these circumstances, I state fearlessly, that if the House had permitted these parties

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to appear at the bar, they would have reduced themselves to the lowest point of degradation.

Besides, there were six parties to the settlement of this question; the Church, the Methodists, the Catholics, the Presbyterians, the Independents, and the Baptists; the latter only asked to be heard at the bar, all the others were satisfied to be heard on the floor of the House through those who participated in their opinions. And here I may as well answer a question which has been asked of Mr. Huntington: "Who are the Independents?" I answer, the friends of a broad and liberal system of collegiate education, free from sectarian influence and control. We are the Independents; and, before this agitation ceases, it will be found that we are a pretty large sect in Nova Scotia, not ashamed of our name and able to fight for our opinions.

Another charge has been made which requires some notice at my hands. It was asserted at Yarmouth, by grave dignitaries—nay, even, I believe, made the subject of a resolution—that some individual had ridiculed and laughed at the professors of Acadia College "in their absence." As I presume this was meant for me, I may as well plead guilty to the charge and confess to having kept the House laughing for an hour at these grave professors; I should have taken that liberty, even if they had been on the floor of the House. But is it so great a crime to laugh at and abuse people, who either have not the power, or, at the moment, the right of reply? I have often gone into a court of justice and seen a lawyer torture a poor wretch in a witness-box, whose only offence was an anxiety to tell the truth; and I have again and again seen him overwhelm some citizen, whom the rules of court forbade to open his mouth, with ridicule, contumely and invective. When I have seen all this and reflected that it was done for hire, and that the only reason why it was done was because the party doing it had not been fee'd on the other side, I have come to the conclusion that to ridicule and abuse people who deserve it is not so great a crime. [The Solicitor-General laughingly observed, that there was no sectarianism in court; and Mr. Howe replied, in the same tone, that whenever persons attacked him, he should take the liberty of doing for fun what others did for money.] But I am well aware that the respect, the strong attachment, which many in that meeting entertained for me can only be preserved by my being able to show that I only used those weapons in cases of necessity. The question was, had there not been, on the part of those who complained, not only the first aggression, but most ample provocation? Down to the autumn of 1842, I never spoke or wrote one line in public, attacking any of the professors, and I argued the question of colleges solely on public grounds. In the spring of that year six or seven letters appeared in the authorized organ of the Baptist body, over a signature which one of the professors had used, in which Mr. Young and myself were assailed in a most unchristian and vindictive spirit; our motives impeached, and our public characters blackened with misrepresentation and falsehood, for no other reason than because we had, in the previous winter, spoken and voted independently on the question of colleges. My

friend, Mr. Annand, called my attention to these letters and urged me to reply, but I did not. I told him to wait awhile, that there were more where those came from, and that my time would come by-and-by. I was right; subsequently I was assailed by two other individuals, upon personal grounds, and then I gave them their deserts; but you will observe that I took no part in any public discussion with any person connected with the Baptist body, for several months after Mr. Young and myself had been traduced in their official organ. Yet these are the people who complain of being laughed at.

But further. In January, when the strongest stems in my family circle were falling around me, when I could not leave home for self-defence, and when a contest with any persons that could be avoided was not only unbecoming, but almost impossible, from the weight of sorrow that pressed upon me, what did these professors do? Why, they assembled a meeting in the back woods of Annapolis county, and there, amidst those who knew no better and to whom their word was law, strove to blacken my character in "my absence" by every description of mean falsehood and misrepresentation, and sent their emissaries to carry their slanders to the head of the Government. Besides all this, only a week before I made the speech of which these people now complain, Mr. Crawley had published a letter, aimed at me, full of the gall and bitterness of a malignant and unchristian disposition; then it was that I drew the thong and laid it upon the shoulders of these gentry and made them understand the difference between a packed audience in the woods and a deliberative body in the capital, between the Parliament of Nova Scotia and that of Nietaux. I do plead guilty to making the House laugh at them, and if necessary, I'll do it again. Let them not suppose that their being stuck up in professors' chairs gives them the right to fire their pop-guns at people without retaliation.

But it is said I compared them with truckmen and mechanics. Let me explain. One of these professors had questioned the qualifications of the members of the House of Assembly, freely chosen by the people, to deal with a public question in which he happened to be interested. Was it not competent for me, by a few simple contrasts, to bring him to his senses and question his qualifications to pronounce such a sweeping opinion? I said I would go down into the Square and take a man off his market cart, who should teach these professors philosophy; and when I name Mr. Titus Smith, is there a person in this audience who will dispute the fact? I think you will agree that not only could he teach them much of which they are ignorant and that should be taught in a college, but that he has forgotten more than either of them ever learnt.

I said I would find a shoemaker their equal in mathematics; the sight of a face in the crowd reminds me that I might have added, and a farmer also; and whoever knows Ben Dawson or Adams Archibald knows that I speak the truth. I might have gone further and challenged either of them to deliver as neat, as copious, and beautiful a course of lectures on chemistry at their college as Mr. McKinlay gives, every winter, at the Mechanics' Institute, for nothing.

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Gentlemen, there was one thing said which may have seemed presumptuous,—that I thought, from the temper they exhibited, even I could open the sacred volume, and show that they had misconceived its spirit. I may have been wrong, but yet when I compare these peripatetic, writing, wrangling, grasping professors, either with the venerable men who preceded them in the ministry of their own Church or in the advent of Christianity, I cannot but come to the conclusion that either one set or the other have mistaken the mode. Take all the Baptist ministers from one end of the Province to the other—the Hardings, the Dimocks, the Tuppers,—take all that have passed away, from Aline to Burton; men who suffered every privation, preaching peace and contentment to a poor and scattered population; and the whole together never created as much strife, exhibited so paltry an ambition, or descended to the mean arts of misrepresentation to such an extent, in all their long and laborious lives, as these two arrogant professors of philosophy and religion have done in the short period of half-a-dozen years.

Let us suppose that the Apostles, instead of going about preaching the Word over the Roman Empire, had set themselves to work to build a college and sought from the Senate an endowment that they might be stuck up in professors' chairs; suppose that they had been refused or had not obtained what they thought sufficient, and that straightway they had got up meetings to defame the Senate and had exhibited the temper and the spirit of these men of modern days, what would have become of Christianity? A school might have arisen or an academy been founded, but where would the vital spirit of Christianity have fled? But did Peter and Matthew and John do these things? No. But what did they do? They imitated their Master; they exhibited to the astonished gaze of the Roman people a philosophy which put to shame that of all the schools, academies and colleges of the day; a love of truth which no selfishness could bend; humility so perfect that the willing heart volunteered its reverence; a charity and self-sacrifice, the law of which was brotherly love. Evidence of all this is to be found in a book which a child might open at any page and put these clerical agitators to shame.

But it has been said, one college will be more expensive than six. If so, as was well said by one of our friends, why did they not build six? Six log-houses could be built for less than this hall cost; and six houses like this could be erected for the price of the Province Building. The value must decrease as the number increases, assuming a limit to the funds. But take either Windsor College or Dalhousie, which has property and permanent endowments, and it is clear that with a grant of £800 a year from the Legislature, an institution equal to the wants of the whole Province can be maintained. Mr. Young has exhausted the statistics of the question; his calculations and mine may slightly differ, but in the main they lead to the same results. Take Dalhousie College, which has permanent buildings and £100 a year in rent to keep them in repair.

Invest its funds at six per cent. and you have . . .	£600	CHAP. IX
One hundred students at £8 or eighty at £10 will give . . .	800	—
Endowment	800	1843

£2200

Professor of Moral Philosophy and Rhetoric . . .	£400
" Greek and Latin	300
" Chemistry and Natural History . . .	200
" Natural Philosophy and Mathematics . . .	200
" History and Political Economy . . .	200
" Modern Languages	150
" Law	100
" Medicine	100
Library	200
Museum and Apparatus	200

£2050

Here we have the whole college supported, with a surplus of £150, the Legislature being called on for but £800 instead of £2640, or £3600, when any of the sectarian colleges want wings, and the people not being asked to subscribe one farthing. But suppose the students are not so numerous at first, then a few hundred pounds, raised by the friends of liberal education, would easily make up the deficiency.

These calculations cannot be disputed—they cannot be overturned; and when paraded, as they shall be, before the people of Nova Scotia, will carry conviction in spite of the misrepresentations that have been diffused.

But it is said the different religious bodies want their divinity taught. They should have it. By our plan it will cost each but £100, or at furthest £200, a year; by theirs, if each Church is to maintain a college, the expense must be at least £1000 a year, after £5000 have been invested in buildings and property. By our plan each religious body would teach its divinity without being harassed, as some of them are now, for extravagant contributions; £800 instead of £2600 would be the moderate grant from the treasury; we should have eight professors instead of two, and peace in place of strife.

But then the vice and immorality of Halifax are such that no boy is safe in coming here for his education! I must say it is strange that those who have lived among, and grown wealthy from the industry of, the citizens of Halifax should thus paint them to the country. It is unusual for birds to foul their own nests. But I ask those who utter these things to show me, within the bounds of Europe, one collegiate institution of any name or standing, that is not in the midst of a city more populous than Halifax. If, then, the boys of the whole world are subjected to these temptations, what is there in the character of our youth to warrant the belief that they are more prone to wickedness—more apt to yield to ordinary temptations? If it is meant that twenty thousand people commit more sin than twenty, I admit it. There

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may be a concentration of vice in all towns, but are not virtues and restraints and refining influences concentrated in the same proportion? I deny that the people of Halifax are worse than their neighbours; and I appeal to you to say whether your children are not as safe now—whether they would not be as safe, drinking at the pure streams of science and philosophy, on the “Grand Parade,” as imbibing a sour sectarian spirit on a hill in Horton.

But are there not other reasons which make the capital a desirable site? If a boy is intended for a merchant, he is surrounded by merchants and warehouses and ships, and may, while pursuing his studies, acquire a fund of valuable knowledge bearing on his peculiar pursuit. If he is to study law, all the courts are open to him and all reserved points are argued here before the assembled judges; the pulpits are filled by able divines; libraries, reading-rooms and institutes offer constant stores of information. If he cherishes a martial spirit there are military exercises every day; if the navy attracts him, there are men-of-war to inspect; if he has a taste for mechanics, for art or music, he will see and hear more to cultivate and refine his ear and his taste in Halifax in a month than any country village can offer in seven years.

It has been said that we want, by erecting a central institution, to destroy all the others and “wrest the education of their children from the people.” Shame, shame on the men who have thus deliberately slandered the Legislature of their country! From first to last we have disclaimed any coercive legislation. The Baptists or any other body may maintain a dozen colleges if they choose, but they must do it with their own resources. The public funds must be dedicated to public objects, in which all have an interest; and if religious bodies choose to build colleges as they now build churches, the Legislature has neither the right nor the disposition to interfere. The House of Assembly wrest from the people the education of their children! Do not the persons who make this charge know that the House has called into existence and endowed to the full extent of their means, thirty or forty schools in every county, which are independently managed by trustees chosen from the people themselves? Do they not know that all these are to be left, as part of our plan, but extended as our resources increase? Do they not know that an academy has been planted by the Legislature in every county, some of them as good, and some of them even better, than that of which so much is written and published? That all these are under the control of the leading men of the counties, selected by the Executive without regard to sect or party? All this has been done by the Legislature; while those who have erected a single high school and called it a college, at which some twenty or thirty boys are instructed, think themselves entitled to defame the men who have made this judicious provision for twenty-five thousand. These common schools and academies are part of our system; they are to remain. If the religious bodies choose to keep up their colleges, they will remain also, and then the central institution will give to those who require it a still higher polish and more

extended advantages. But we want schoolmasters! Of course we do. And what are seventeen county academies for but to provide them? What do the thirty thousand uneducated children require at our hands? What is the first want, the paramount necessity of their condition? Reading, writing and arithmetic. These, with geography and the mathematics, are taught in the seventeen county academies, which ought to, and could, supply the country with schoolmasters if there was not a college in existence.

What, then, do we seek? To destroy?—No, but to extend, the existing system. In 1840 an additional £1000 was added to the common school grant. What was the consequence? One hundred and forty-one new schools immediately sprang up and four thousand eight hundred and ninety-seven more children were educated. Will any man pretend that £1000 thus expended will not do more good than if given to one of those sectarian colleges? Will any man pretend that in refusing to add £1880 to the cost of colleges last winter, when we could not afford to add one farthing to the fund for common schools, we did anything but our duty and wisely stemmed the torrent of sectarian feeling to protect the interests of the mass—that we did anything but stand between the treasury and those who live by and live in colleges, that education might be extended and not destroyed?

But then these sectarian colleges are to do such great things for religion. I believe that in a short time they would banish it from the Province. One of them kept the eastern counties in hot water for sixteen years; and another has produced more strife, division and bad feeling than any other bone of contention, religious, social or political. One thing is clear, that eight hundred common schools and seventeen county academies are managed with more tranquillity, on the independent system, than a single sectarian college. Suppose that five or six different religious bodies owned these, and each was scrambling for its own, what a scene of confusion would the education of the country exhibit. Apply the same principle which now governs our county schools and academies to higher education, and peace and permanence will be the result. The people must have one college, as they have one supreme court; one Province building; one penitentiary; and if others want more, let them maintain them at their own expense. But, it is said, if a college is not sectarian it must be infidel. Is infidelity taught in our academies and schools? No; and yet not one of them is sectarian. A college would be under strict discipline, established by its governors; clergymen would occupy some of its chairs; moral philosophy, which, to be sound, must be based on Christianity, would be conspicuously taught; and yet the religious men who know all this raise the cry of infidelity to frighten the farmers in the country.

Having gone, I fear, at too great length over the main points of this argument, I ask myself, can the persons who have commenced this agitation succeed? I ask myself, what interest can the people of Nova Scotia have in maintaining six colleges when one will be amply sufficient for the whole population? I ask myself, what interest have Cape Breton, Inverness, Rich-

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mond, Guysborough, Sydney, Pictou, Colchester—one-half of the Province—in maintaining a college at Horton, a place which they rarely visit on business and seldom for amusement? What interest have the counties on the western shore?

The other day several hundred persons were brought here from Lunenburg in a few hours for a dollar each. Suppose they had had to go to Horton, what would have been the cost and when would they have got back? The same may be said of Shelburne and Yarmouth. With Halifax, they have a natural and will soon have a steady steam communication; with Horton they have none, except what denominational pride or feeling may supply. How, then, can those people hope to succeed? In two or three counties they may have a majority; but even in these I do not fear the result when the question comes to be understood. Understood it shall be. We will give them meeting for meeting, speech for speech; and if it is necessary to carry the war even into Cape Breton, I will not fear to appeal against the views of my honourable friend who represents it, to the constituency, who, upon this question, can never agree with him.

Having argued the question as one of a purely educational character, I might, if I were disposed, sketch its political aspects. But this is not the place or this the time. If I am not much mistaken, the period is fast approaching when this duty may be required at my hands; and when it comes, trust me, my voice shall be raised, and my pen employed, as in times of old, until the intrigues and designs, which are now more than apparent, are thoroughly comprehended by the people of Nova Scotia.

The following draft of an address was then read and passed unanimously by the meeting:

TO THE HOUSE OF ASSEMBLY

The Petition of the undersigned Freeholders and Inhabitants of the County of Halifax,

Humbly Sheweth,—That heretofore several attempts have been made to found institutions for teaching the higher branches of learning, which, after consuming a vast amount of public and private funds, have either entirely failed or been attended with little success.

That your petitioners attributed the ruin of one such institution and the feebleness and inefficiency of others to the attempt to found them amidst a thin and scattered population, and to maintain them by the resources of some one of the numerous branches of the Christian family into which this Province is divided.

That your petitioners viewed with satisfaction the attempt made by your honourable body last session to put an end to an impolitic and expensive

system and to lay the foundation of an institution which should be an ornament to the Province and ensure, by the permanence of its character and the extent of its resources, a liberal education to our youth.

That your petitioners have seen with deep regret the efforts of a few interested parties to create, in different sections of the country, a prejudice against your honourable House for an act which we regard as founded in sound policy, just to the whole body of the people, and imperatively called for at the present time.

That your petitioners regard, with intense interest, the thousands of children growing up without the common rudiments of education, unable to read the Word of God or to conduct with advantage the ordinary affairs of life; and they deem it their duty to protest against the establishment of a plurality of collegiate establishments for the rich until the wants of the poor are more extensively supplied.

That your petitioners, while they feel that independent expression of their opinion is due to your honourable body, disclaim narrow prejudices against any denomination or hostility to any particular institution; all they seek is that the public funds should be wisely husbanded, learning providently cared for, and the independence of the Legislature preserved.

Meetings were immediately after held in Colchester, Pictou and Hants, all of which Mr. Howe attended and addressed, and in each of these counties strong opinions were elicited in favour of a Provincial University and against the further endowment of sectarian colleges. At New Glasgow, Mr. Howe was entertained at a public dinner on October 20th, and an address was presented to him, from which the following is an extract:

SIR,—We embrace the present occasion of your visit to this part of the Province to testify our esteem and respect to you in your elevated political station in the councils of the country.

We would not, however, be understood as complimenting you on your station alone. It is the recollection of what you have achieved in the cause of liberty and the reform of former abuses, when you stood at one time almost single-handed in the contest, that calls forth this meed of praise. It is the recollection of the bold and fearless but constitutional part you took in those measures of colonial reform, and in your successful endeavours to assimilate the institutions of this Province to those of the parent state and procure for us the privileges, as well as the name, of Britons. We are aware, sir, of the difficulties with which you have to contend; that you are thus far necessarily associated with men of opposite sentiments, but we have that confidence both in your integrity and abilities, that we fear not the result. We behold the fostering care of our beloved Queen extended to us, and her ministers, whether

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Whig or Tory, sending out liberal Governors to all the colonies, with liberal instructions to govern on liberal principles, according to the wishes of the people.

These meetings evidently alarmed the members of Council remaining in town. But two of them were friendly to Mr. Howe; the others sympathized with Mr. Johnston. An immediate dissolution was insisted upon and a message was sent to desire Mr. Howe's recall, to discuss it. He had made engagements to attend two meetings on his way home and lingered to fulfil them, but wrote to say that he would be in town in a day or two.

Before he reached the capital he heard of the dissolution, and at once pronounced it, for Lord Falkland's future success and peace of mind, an unwise and fatal step. He did not disguise this opinion from his Lordship. The constitutional remedy for the state of things which existed was to have insisted on Mr. Howe and Mr. Johnston preparing an educational measure in which they could agree. If they could not and would not consent to sink their differences and work in harmony, then either education should have been treated as an open question, or one of the gentlemen, whose irreconcilable differences perplexed the Council, should have been asked to retire. To prematurely dissolve a Parliament that had given no offence, offered no obstruction, and which by overwhelming majorities had sustained the administration—and to do this without a single attempt to reconstruct or strengthen the Government—was a blunder worse than a crime. Mr. Howe saw it at a glance. Lord Falkland saw it, perhaps, when it was too late.

Some of Mr. Howe's friends urged him to resign, but he declined. "The Queen's representative has a right," said he, "to appeal to the country, and, although in this case the time was ill-chosen, I cannot resign merely on the ground that I have been sent back to my constituents."

Wearied and sick at heart, he prepared for the elections, doubtful, as well he might be, whether Lord Falkland, whom he had served for three years with so much fidelity and success, had acted in good faith, but quite assured that he had done an act of folly and outraged the feelings of many well-disposed members of the Legislature.

On November 27th Mr. Howe and Mr. Doyle were returned for the county of Halifax without opposition. The speech delivered by the former upon this occasion is characterized by humorous

retort, and successful vindication of his acts and policy up to this period.

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Gentlemen, had this election been contested, many opportunities would have been afforded of addressing you and making my views and principles understood. As there is to be no contest, we have preferred availing ourselves of the only chance that we shall have, within these walls, rather than in the draught of a doorway and amidst the noise of a crowded street. I must confess, however, that I feel no small degree of diffidence in attempting to speak at all, after the mercantile and legal eloquence with which the hustings have of late resounded. But I must say something. Were I a Conservative, speaking to a Conservative auditory, it might be sufficient for me to say that I was a free-born Nova Scotian, with a little Irish blood in my veins; was in favour of agriculture, commerce and manufactures; and this, with a bunch of flowers as big as a turnip stuck in my button-hole, would be sufficient to secure me support. You may expect something more; you have not been accustomed to follow any man blindly; you expect from those you sustain a rational defence of the past, and that they will point with some degree of precision to the paths they intend to tread. I heartily rejoice that I see around me again the faces of those who have, in times gone by, lent strength to many a political struggle and mirth to many a festive scene. You have ten years of union and triumph to look back upon; a fortnight's misunderstanding and estrangement to regret. Let the former furnish inducements to confidence and cordiality in future, and the latter be buried in oblivion from this hour. For some reasons, I do not regret our divisions. They have demonstrated the strength rather than the weakness of our party. The Tories ask who are the great Liberal party? The recent struggle has furnished them the answer. One wing of our forces rested on their arms; a second, lying on the east of Halifax harbour, could not interfere; and yet, the other third of our army was able to do battle with the entire Tory brigade, horse, foot and artillery. They have paraded their forty-two merchants in a handbill, but is it not a fact that with all these, with three banks, two lines of stage-coaches, some fifty public officers, half-a-dozen clergymen, and a steamboat to boot, they were nearly beaten by one-third of the Liberal party whom they pretend to despise? This fact has been shown by our divisions; another, equally honourable, has been displayed; that while the Tories were willing to join either section of the Liberal party, neither would have anything to do with them. But we are divided no longer, the whole force is once more in the field; and, as the man said who spread his butter on his cheese—"bad luck to the woman who first parted them," so I say, bad luck to those who shall ever part you again. Without referring to the cause of this division, I may be allowed to speak of the gentleman by whose generous resignation our differences have been reconciled. The Roman historians tell us that by some convulsion of nature a gulf was opened in the Forum which threatened the safety of the city, and which the augurs proclaimed would never close until the most precious

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thing in Rome was thrown into it. Marcus Curtius leaped in, declaring that there was nothing more precious than virtue and patriotism, which taught men to sacrifice themselves for their country. My friend Mr. Annand has thus leaped into the chasm which divided and threatened the security of his party. He has done an act which his friends know how to appreciate, and which his constituents to the eastward will readily understand. They may be assured that, although I regret the loss of a colleague who, next to Mr. Huntington, can the least be spared from the ranks of the party, both Mr. Doyle and myself will endeavour to make up, by assiduous devotion to their peculiar interests, the loss they are likely to sustain. In parting with Mr. Annand, however, I may say that I rejoice that his place is to be filled, not by a political opponent or an untried man, but by an old friend and fellow-labourer. Doyle and I commenced life together, and have a thousand personal and social ties which neither can readily forget. Many of the gayest and most instructive of our days and nights were passed together, and of these I may say in the language of an Irish orator to an Irish judge—

“We spent them not in sport, or lust or wine,
But search of deep Philosophy,
Wit, Eloquence and Poesy,
Arts which I loved, for they, my friend, were thine!”

At a later period we spent four years in the Legislature together, side by side with Huntington and Annand, struggling for those measures which have since been carried, and those principles which have since been obtained. Mr Doyle was not only the parent of the Quadrennial Bill, but of the Act for vacating the seats of members accepting certain offices, besides having his share in all the conflicts of his party from 1836 to 1840. I naturally expected from those who have lately come forward to give opposition to the old members, some rational criticism upon our past conduct, some development of new principles, some fair fault-finding with the policy they condemn, some indications of that which they intend to pursue. But I listened in vain. One gentleman told us that he and his party had not been represented at all, though he did not tell us in what respect, and another told us that he was in favour of commerce, agriculture, manufactures and the fisheries. Why, we are all in favour of these! Is there a man here who is not? No; but while our opponents can neither tell us what they would do to benefit commerce, my colleagues and myself can point to the lighthouses beaming on the coast; breakwaters reared on coves and headlands; mail routes extended and lines of stages and steamboats encouraged, for the security of commerce, and for the safe and rapid transmission of commercial correspondence. These things have been done by the men they oppose; what more would they do if they had the power? Gentlemen, I prize commerce as a noble pursuit, and gladly would I foster in this country the true commercial spirit; that spirit which urged a French merchant to say to a French king, “Let us alone; we seek no aid from royal ordinances and legislative enact-

ments"—that spirit which has made the British merchant, in all the eventful periods of our history, the friend and bulwark of civil and religious liberty—that spirit which made the merchants of Italy not only princes, but the munificent patrons of literature and art. For those who would warp general interests for personal or party objects; who would make wealth the means of corrupting or intimidating the poor; who would dismiss a mariner or refuse to employ a truckman because they exercised their franchise independently; for these I must confess I have no very exalted respect. The gentleman to whose address I am now referring, told us he was a friend of agriculture. So am I; and I may tell these Conservatives that the language I have always held to our agriculturists is the very language that Sir Robert Peel holds to the farmers of England—"Depend upon yourselves; be industrious, frugal and intelligent; study agricultural chemistry, and rely with a just pride upon the dignity of your occupation and the bounties of Providence." This is the language which your late representatives held to the farmers; but so far as we could, without injury to other classes, we gave them the benefit of a moderate protection, increased means of education, and opened new and improved roads. The fisheries we have protected by cruisers round our coast; and to the manufacturers we have extended, wherever the occupations they followed were adapted to the condition of the country, a fair and legitimate protection—a protection in some cases so high as to attract the attention of the Secretary of State. In future, we shall endeavour to take equal care of the interests of our friends, the manufacturers, and whenever the policy of the mother country seems to bear hard upon colonial interests, we shall endeavour to set matters right by explanation and remonstrance. To a gentleman who complained that we had not represented him and his friends, I take leave to say that we have represented all the great interests of the country fairly, honestly, diligently. If they have not considered themselves included, I am sorry for it. That gentleman's father represented this county for thirty years; but when, during the whole of that period, were the rich more secure in their possessions, or the poor more intelligent, more independent, or better off than they are now? Within the last six years, during all which time these wiseacres have been declaring that we were all going to the dogs, Halifax has grown one-third and Dartmouth has nearly doubled in size. As that gentleman has complained of our stewardship, let me remind him in what condition the county came into our hands. Looking west from Halifax to Hubbard's Cove, with one or two exceptions, there were neither level roads, magistrates nor schools. Now, there is a school at Herring Cove, one at Portuguese Cove, one at Ketch Harbour, at the bay there are several, and others are scattered along the coast, while there are magistrates at equal distances to superintend the road work and keep the peace. Thirty miles of level main road have been made in the western portion of the township within the last six years—as much as that gentleman's father left to us after thirty years' administration. Turning to the east; its condition when I first visited it in 1837 was this; for fifty miles there were neither roads, bridges, magistrates

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nor schools. Now there are six schools dotting the shore, where formerly there was not one; magistrates have been appointed, and while the Great Eastern Road has been carried nearly to the bounds of our county, the shore settlements are becoming one after another closely connected by means of roads and bridges. I make the assertion, and I challenge contradiction if it is not true, that there are now in the county of Halifax one hundred miles of level road which did not exist in 1836! Thus have we represented the county of Halifax. The narrow contracted views and antiquated prejudices of some of its inhabitants we may not have represented. The wise men who, in old times, agreed to call a shilling fifteen pence, and a doubloon sixteen dollars—who cut the Shubenacadie Canal, built the breastwork at Sackville, and wasted £30,000 in a legislative collision, may not have been able to seduce us with any such large experiments; but I think you are just as well satisfied if your views have been represented instead of theirs. The men who now complain of us are the men who for years opposed the corporation, who resisted the introduction of the new colonial principles and who vainly sigh over the loss of power they never wisely used. It has been asserted in some of the papers that the Liberals have increased the Provincial debt. This I take the liberty to deny. Who contracted the £120,000 of debt which Nova Scotia owes? Not we! We found it in existence when we went into the House of Assembly, and have for six years firmly resisted its further accumulation. We have not paid it off, because our available resources could be better employed in the public improvements of the country. To carry these out, we have occasionally borrowed a few thousands; but with the distinct understanding that the amount was to be repaid. Though we sent in one year £1000 to relieve the sufferers in Canada, and in another gave £3200 to purchase seed for the poor, in 1842 we expended £34,000 on our roads and bridges, while the highest sum that we could afford for the service in 1836 was £9000! It is said that we carried our elections in 1840 by the use of the Governor's name. This I deny. We beat them at successive elections during Sir Colin Campbell's administration, when they, and not we, had the benefit of the Governor's name to influence votes. In the recent struggle, our opponents made—without authority I am bound to believe—what use they could of the Governor's name, and yet we have three seats out of four, and may have the fourth if the scrutiny proceeds. I have been a good deal amused at one charge brought against myself. It has been said that I have actually been a fortnight absent from my office, while discussing the subject of education in the Eastern counties. A fortnight's absence in me is a great crime in the eyes of people who never said a word when Mr. Morris was absent from his office for six months and Sir Rupert D. George for two years. But it is said a person at the head of the excise ought not to be in the Legislature. This is a new discovery. Did not these very people justify my predecessor's holding, for life, not only a seat in the Legislative Council, but in the Executive Council also? Did they complain when Mr. Jeffrey not only sat in both Councils, but administered the government of the Province and was collector of customs at the same time?

The Liberals have also been charged with increasing the salaries. This I deny. The salaries that have been raised have been paid out of the casual revenues, always without our consent and sometimes in spite of our opposition. Wherever we could, we have applied the pruning-knife. In 1837, about £2500 was lopped from the public expenditure in a single session. In the expenses of the judiciary, a material change has been made. Including Judge Wiswell's office, one associate and four inferior court judges have been swept away. The salaries and travel of these are no longer paid.

These amount to	£2400
We pay the additional judge of the Supreme Court	£800
And three pensions of £300	£900
	— £1700
Making a present saving of	£700

And when the pensions fall in by the death or promotion of the recipients, the saving to the country will be about £1600 a year. It has been said that Halifax has become a borough, and that I have nominated all the members. This, like all the other assertions of the Tories, has no shadow of foundation. Mr. Bell was brought forward at a public meeting by an independent nomination, in which men of all parties concurred. Mr. Annand was named by a body of freeholders in the county, scarcely three of whom I could at that time call by name. Mr. McNab was brought into the House because, being in the Government when the new system was introduced, his party did not wish to lose the benefit of his position and influence. When Mr. Stairs was selected, he and another gentleman were named by our mutual friends. I pledged myself to support either of them that the party should bring forward, and the choice was made when I was out of town. There are many other tales just as idle that might be laughed at and exposed, but I feel that I have already trespassed largely on your time. In conclusion, gentlemen, permit me to thank you for the independent and vigorous support which you have given me on all occasions and which has restored to me my seat to-day, almost without an effort. Gentlemen, there was a time when a seat in the Assembly, a position in the Council, a public office, had for me some novelty and attraction. I have grown old enough to regard these, so far as my own feelings or interests are concerned, with comparative indifference. Gladly would I abandon them all, if I could consult my own impulses and return to my fireside; but I am so bound to you by personal ties, so identified with the interests of my party and the success of those principles which I have ever maintained, that I feel my destiny is to labour while you repose confidence; that I am not at liberty to withdraw from the harness of public life while you wish me to remain in; that it becomes me not to desert my post. One abiding conviction buoys me up and makes my labour light; I know that, long after I and my friends that stand beside me shall have passed away to the narrow house appointed for us all, our labours will be apparent on the face of the country and the principles we have developed and maintained will be cherished in the hearts of the people.

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When the elections were over each party, as is often the case, claimed the majority. Had Lord Falkland raised, before dissolving the House, any distinct issue for the country to decide, his course would have been clear. As matters stood he was more perplexed after the elections than before. Nothing was decided. When Mr. Howe paid his respects to the Governor after his re-election, he expressed his readiness to resign or to form an administration which should conduct affairs satisfactorily, omitting those from whom he had become divided by irreconcilable differences of opinion. Lord Falkland expressed his anxiety to retain if possible all the gentlemen who surrounded him, his determination to take no step till the House met, and his anxious hope that some solution would be found of the difficulties which the aspects of the times presented. That Lord Falkland acted in good faith at this period is scarcely credible. Mr. Howe believed he did, yielded his own wishes, and consented to remain in the Council, it being understood that the Governor would take no step until the new House had met and given some indication of its opinions. Had Lord Falkland adhered to his expressed determination he might still have formed a strong Government. The questions at issue between Mr. Johnston and Mr. Howe would probably have been raised in the Legislature. These would have been fought out and decided, and the real strength of each gentleman being ascertained, either could have been selected to form an administration or lead the old one which had hitherto so successfully conducted public affairs. In either case his Lordship's path would have been smooth. But in an evil hour he was induced to take a step which not only hopelessly shattered his administration, but shook the general confidence in his sincerity and candour that had hitherto made him many friends.

We are not writing a political history of North America, but if we were, we might perhaps trace between what was taking place in Canada at this moment and what took place in Nova Scotia immediately after,—a mysterious connection. Lord Metcalfe quarrelled with his ministers, and compelled them to resign about the last of November. Mr. Baldwin, the Attorney-General for Upper Canada, had been in that Province the same early and unflinching advocate of responsible government that Mr. Howe had been in this. Late in December news reached Nova Scotia that Robert Baldwin and his colleagues had been compelled to resign; that Lord Metcalfe was involved in a political controversy or crisis, or that he meditated and was executing a *coup d'état* by which all the popular principles lately

conceded were to be reclaimed. Lord Falkland evidently thought so, and he probably thought that by executing a *coup d'état* of his own and placing himself in antagonism to the leader of responsible government in Nova Scotia, he would attract the notice of his superiors and secure their approbation. Many others have been given, but this is one interpretation of the troubled dreams out of which Lord Falkland wrought, so far as any reputation for colonial statesmanship is concerned, his own destruction. Before all was over in Canada, the principles, endangered or mystified for the moment, became so clearly defined and universally recognized that no Governor-General has since been brought into collision with his advisers about matters of fact or the boundaries of authority; and in this Province we attribute, more than to any other cause, the firm establishment of sound constitutional principles to the free discussions provoked by Lord Falkland's attempt to put them down.

On the 21st of December, Mr. Almon, Mr. Johnston's brother-in-law, was appointed to a seat in both the Executive and Legislative Councils, and Messrs. Howe, Uniacke, and McNab tendered their resignations. Lord Falkland in the following memorandum required them to give in writing their reasons for resigning:

The Lieutenant-Governor presents his compliments to Mr. Howe, and informs him that the Lieutenant-Governor will expect to have the reasons by which Mr. Howe and his colleagues are induced to retire from the Executive Council stated in writing, when they tender their resignations.

GOVERNMENT HOUSE,
Wednesday, 20th December, 1843.

Mr. Howe gave his reasons in the following letter:

HALIFAX, 21st December, 1843.

MY LORD,—Your Excellency having announced to me your intention to appoint a gentleman to your Executive Council whose elevation at the present moment will, in my judgment, be justly regarded as an indication of a change of policy which has hitherto been approved, I feel myself reluctantly compelled to tender my resignation of the seat I hold in that Council.

Your Excellency's right to make any appointments which, in your opinion, will strengthen your Government or promote the interests of the country, I freely admit; I only wish to guard myself from the weight of the obligation to defend a policy of which I do not approve and which I believe will have a contrary effect, both in Parliament and the country, from that which your Excellency anticipates.

My office of collector of impost and excise for the district of Halifax shall

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also be placed at your Excellency's disposal, as soon after the end of the year as the accounts can be prepared and the business of it brought to a close.

In retiring from the Council, I should not be doing justice, either to your Excellency or to my own feelings, if I did not express, warmly and sincerely, the sense I entertain of the courtesy and confidence extended to me by your Excellency while I have held the high station which I now respectfully beg leave to resign.—I have the honour to be, with great respect, your Excellency's most obedient and very humble servant,

JOSEPH HOWE.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR.

The constitutional course for Lord Falkland to have pursued on the receipt of the notes from the gentlemen who resigned was, for his Lordship to have called upon Mr. Johnston to fill up the seats vacated and to go down to the House and there vindicate what had been done. He did not do so; but was induced or permitted to write the following letter, which, without waiting to lay it before the House, he published in the newspapers:

GOVERNMENT HOUSE,
HALIFAX, 25th December, 1843.

GENTLEMEN,—I have well considered the cause you have assigned for the step you have lately taken, of resigning your seats in the Executive Council.

Although separate letters have been written by each, a single reason and that the same has been stated by you all—my intention to give you Mr. Almon as a colleague. No objection other than a political one has been urged against that gentleman's appointment; and that you entertain no other is proved by the fact that you were all well satisfied that Mr. Almon should be nominated to the Legislative Council, when he some months ago declined a seat in that body. You have, however, deemed yourselves justified in resigning your offices on the sole ground of this political objection to this single appointment, at the same time that you distinctly admit my right to make it.

Your letters intimate that the introduction of Mr. Almon to the Council board at this particular juncture indicates a change of policy on my part, notwithstanding that I have in my interviews with you made the strongest declarations of my determination to adhere to the principles by which I have hitherto been guided in the administration of the Government of Nova Scotia. It therefore seems proper for me to repeat in writing my assertions on this head, and that I should at the same time review the course I have followed from the period of my arrival in the colony, keeping in mind the principles upon which the Council, by whose assistance I was to conduct the public affairs, was formed. It is well known to you that those principles were a representation at the board of different political sentiments and interests existing in the Legislature, with

a view of affording the Lieutenant-Governor the advantage of the best advice and of producing concord between the Executive and Legislative bodies; at the same time that the country should have the assurance of a fair and equal distribution of patronage in the exercise of the prerogative of the Crown. That this patronage, up to the present moment, has not been unfairly dispensed towards yourselves and those you may have represented, your continuance in the Council is sufficient evidence; because, if the appointment of Mr. Almon justifies your retirement, it may be presumed you would have acted in the same manner if any previous case had met your disapprobation. The promotion of Mr. Almon is in fact the only subject of complaint urged in your letters; and, gentlemen, you surely cannot have forgotten, that of the parties whom you consider as constituting the Executive Council, that to which you attach yourselves has influenced the bestowal of by far the greater number of offices since I came to the country, including every seat in the Executive Council and every seat but one in the Legislative Council; and even that was given on the recommendation of Mr. James Boyle Uniacke, now one of yourselves.

On my, for the first time, wishing to give a seat to a gentleman whom you acknowledge to be in every way qualified, but whom you consider of a different political party from those to whom the offer of seats at the board has hitherto been confined, you quit my Council and say such an act indicates a change of policy, regardless of my protestations to the contrary; and notwithstanding that two of you, Mr. James McNab and Mr. Howe, had a very few days previously, and after mature deliberation, given in their renewed adhesion to the existing Council, and to the principles of government on which I had hitherto acted, abandoning the project of a party Government. Mr. James B. Uniacke had never informed me that he contemplated resigning, and therefore no renewed expression of adherence was necessary on his part.

The reasons which make the appointment of Mr. Almon expedient in my opinion at this time are such as—far from indicating a change of policy—appear to me to afford convincing evidence of the sincerity of my desire to avoid a change.

On the late dissolution of the Assembly the Council became openly divided on the question whether a party Government is or is not adapted to the actual condition of Nova Scotia; I myself entertaining a strong opinion that such a Government would be injurious to the best interests of the country, and that a Council, formed on the principles on which the board—which had up to that time assisted me in the conduct of affairs—was constituted, is better adapted to the exigencies of the colony than any which could be formed on any other principle.

The members of the Government went to the hustings, each stating his own views; Mr. Howe declaring at Halifax that if he and his party succeeded in obtaining a majority he should expect those who differed from him to retire, and that he would retire if he found himself in a minority.

Mr. Johnston, at Annapolis, unequivocally denounced the system of a party

CHAP. IX Government and avowed his preference for a Government in which all parties should be represented.

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On the elections taking place a House was returned which I believed would be opposed to the views of Mr. Howe. I sent for that gentleman, and expressed my conviction to him that such was the case, inviting him to remain in the Government. Mr. Howe differed with me as to the probable feeling of the new House of Assembly, and said that nothing but the most imperative necessity would induce him to retain his seat in the existing Executive Council; but, after consulting his political friends, agreed to do so and to give a cordial support to the administration.

After such a public manifestation of differences of opinion between members of the Council, it seemed to me absolutely necessary that the mode in which the Government was in future to be conducted should be made apparent. A vacancy in the Executive Council gave me an opportunity of appointing a gentleman known to be hostile to a party Government, and by so doing, of showing to the country that I was averse to that principle; in other words, that I was desirous of continuing to govern, as I always had done, with the advice of a Council consisting of the leading men of all parties. This was no change; and I do not conceive that Mr. Howe, or those who act in conjunction with him, had any right to complain of such a course; especially as they had so lately, though so reluctantly, given in their renewed adhesion to the Government.

I selected Mr. Almon for advancement because, although the recent declaration at the Halifax election of his sentiments with regard to a Council composed exclusively of persons belonging to one party, rendered my motives for his elevation unlikely to be misinterpreted in this respect, he had, previously to that event, been so little engaged in political life that it was not probable the distinction conferred on him would offend the prejudices of any portion of the community, he being known to entertain liberal views on questions of general policy; and further, because from his affinity to Mr. Johnston, the leader of my Government, his appointment would be looked upon by the public as a proof of my confidence in that gentleman.

Had Mr. Howe been in a position to insist on Mr. Johnston's dismissal, he would have done so. Mr. Johnston only requested that a vacancy in the Council might be filled up by a gentleman agreeing with him in principle on one subject of deep importance; and I cannot allow that a compliance with his request could, under the circumstances of the case, afford any ground for assuming that I intended to change my policy.

The practical value of the admission made by you all, of my right to make appointments, amounts to nothing if you are justified in seceding from the Council, and opposing my administration, on my making one which you deem injurious to your influence. Other members of the board would be equally warranted in acting in a similar manner on an appointment being made consonant to your wishes; and in this way the prerogative of the Crown would be wrested from the Queen's representative, who is responsible to Her Majesty for

its being judiciously exercised, and become vested in certain members of this Council responsible to the Assembly. CHAP. IX

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On a question relating to matters of a local nature and which did not affect the royal prerogative, I should deem it my duty to pay every regard and deference to the views of the members of the Council, as well as to the wishes of the people, however much those wishes might militate against my own opinions; but the claim which your resignations tend virtually to assert, I have no power to recognize.

I am glad to receive your assurances of personal respect and the express recognition of the confidence and good feeling which so long subsisted between us.—I am, gentlemen, your most obedient servant,

FALKLAND.

To JAMES B. UNIACKE, JAMES McNAB and JOSEPH HOWE.

The day after, Mr. Howe wrote the following reply:

HALIFAX, *December 26, 1843.*

MY LORD,—Having at very heavy personal sacrifices deemed it my duty to resign into your Lordship's hands the offices I held, I was prepared to defend the course I had taken on the floor of the Assembly, and to meet the objections which might there be urged by your Excellency's advisers, in the presence of those who must ultimately decide on the wisdom and propriety of my conduct. This, I believe, is the constitutional mode of adjusting such points as are now at issue between us; a departure from it has elsewhere produced embarrassment and may here complicate what seems to be a very simple question. Further correspondence, I fear, can now do no good, but I am reluctant to appear to treat with disrespect a formal communication from your Lordship, and must therefore offer a few observations upon your letter of the 25th instant, with which I have just been honoured.

When I consented to take a seat in the Executive Council, the party with whom I acted formed a considerable majority in the Assembly, which majority was not weakened by the elections of 1840. These gentlemen, during the three years I sat in the Council, were represented at the board but by two, and, for a short time, by three members who enjoyed their confidence. Their opponents, a minority in the House, had, during all this time, six representatives in Council. This inequality, as your Lordship knows, produced much dissatisfaction among the Liberal party, notwithstanding which, by great exertions, a majority of them were rallied to give a steady support to the Government. This was done because their leaders were anxious to give to Her Majesty's Government their best assistance in carrying out a new and advantageous system of administration in British America; and because they relied on the pledge, given by Lord Sydenham, and subsequently by your Excellency, that, as opportunities offered, the inequality should be redressed. In the new

House, as I judge by the returns, this party, without taking Mr. Uniacke and his friends into consideration, will constitute at least one-half the members; they would have had, even if Mr. Almon had not been appointed, but two out of eight at the board. This, your Excellency must acknowledge, would have been a sufficiently slender "representation" of the "political sentiments and interests" of one large party "in the Legislature"; yet I was willing to have met the House, rather in deference to your wishes and the advice of friends, than with any very confident hope that, without an increase of influence in Council, the party to whom I have reference would have been satisfied. My argument to them had always been, "Have patience; as opportunities offer, justice will be done." While a disposition was shown to do justice, as vacancies occurred, force was given to this argument. When, however, your Excellency announced your intention to appoint Mr. Almon, thereby giving one-half the House a representation of two, while the other was to have seven, I felt that the "policy" was "changed"—that justice was not to be done; that the only ground upon which I had induced my friends to support the Government, or could hope to induce them to do so, was to be struck away, and I left in the position of sanctioning a policy by which a fair representation of their political sentiments and interests was to be indefinitely postponed. It was no wish, therefore, to "wrest the prerogative from the Queen's representative" which induced me to resign, but a desire to guard myself from a total loss of confidence and influence in the Assembly, by which I would be deprived of all power, either to serve Her Majesty or benefit the Province. I respect the Queen's prerogative as much as I do the privileges of the people; and your Excellency knows that, during the three years I served you, I never counselled its surrender or attempted to tamper with it in the slightest degree. But it would be a hard case if the prerogative could be so strained as to compel public men to serve the Crown at the price of their consistency and the wreck of their reputations.

Assuming that Mr. Uniacke and his friends were to act with mine, then the case would be but little better; because we, who had good reason to count upon a majority of the Assembly, were to have but three seats in the Council, while the minority, led by Mr. Johnston, were to have five, even without Mr. Almon, and, with him, they were to have six. Under these circumstances, it was a proof of our desire to avoid all embarrassment that we consented to meet the House with a Council thus constituted; and it is not surprising that we should have opposed an appointment which we believed could not, even upon your Lordship's own principles, be defended.

With respect to "party government," your Lordship is well aware, that for many years prior to your arrival, party government existed here in its most offensive form; the minority having all the Executive influence and the entire distribution of patronage, while the great body of the people had nothing but a representation of two to one in the Assembly. Your Lordship found the Executive and Legislative Councils and almost all the public offices filled from

the minority, under this rigorous party government, to which your present advisers clung as long as it could be sustained. They now profess to dislike a party government, merely because Her Majesty has declared that the interests and opinions of the majority are hereafter to be respected; and yet, being a minority, they seek to preserve, in the Executive Council, an unvarying and clear ascendancy.

It is true, that your Excellency has done a good deal, as opportunities offered, to win confidence and support by a fairer distribution of patronage. A few satisfactory appointments have been made to the Executive and Legislative Councils; but at both boards and in public commissions and departments, the preponderance is still largely in favour of that party who support your present advisers. It is perhaps your Lordship's misfortune, rather than your fault, that more could not be done in a short administration to redress this state of things; but you will at once perceive that the only guarantee the people had that it would ever be improved was founded on the assurance that the party who have equal if not superior claims with those who have so long profited by this patronage, would fairly participate in those counsels which were to influence its distribution.

The desire for what is called "party government" has arisen in this Province out of circumstances over which neither your Excellency nor myself have had much control. For several years your Lordship was called upon, almost weekly, by the friends and supporters of your present advisers, to dismiss from your Council the few representatives which the majority of the Assembly had there; and latterly others have claimed a party government, for two reasons—first, because they believed that those who gave your Lordship but hollow support fared equally well with those who sustained the administration cheerfully; and secondly, because circumstances, to which I need not refer, had created the impression that the Council was not only divided upon important public questions, but that some of its members entertained for each other no very friendly feelings.

I have never asked and do not now desire a party government formed of but one interest, to the exclusion of all others; but it does appear to me that it would be better to form a strong government, of gentlemen representing different interests and different sections of the country, but agreeing upon common principles and common measures and secure of a good working majority in the Assembly; rather than to attempt, by any exercise of the prerogative, to bind men together who have but few private or public ties, and who cannot fail to weaken any government by the absence of that united personal influence upon society and public opinion, which the members of Council should steadily exert and without which they cannot expect support, either in Parliament or throughout the country.

To Mr. Almon, personally, I have no objections; his elevation to the Legislative Council I should not have opposed; but your Lordship's opinion of his political position differs widely from mine. Mr. Almon supported the

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last administration, which was of a decidedly exclusive party character; and whatever he may have said, in the few brief public observations he made from the hustings, he voted and acted with the minority in this township against Mr. McNab, a member of the Government, and with those who have incessantly demanded a party government, based on a representative minority. Mr. Almon's party connections and opinions were, then, sufficiently decided. But I had other objections. I did not think it wise, in making an appointment to the Executive Council, under the present system, to pass over the members of both branches of the Legislature, of all parties, in favour of a gentleman who had never represented any constituency and upon no graver public necessity than his relationship to Mr. Johnston.

That I did consider that those members of Council who had opposed the dissolution, with their friends in the Assembly, were "in a position" to enable you to carry on your Government without Mr. Johnston, your Lordship may remember; that I did not "insist on his dismissal" is proved by the fact of my consenting to serve with him, although I never attempted to conceal from your Excellency that some change or modification of the Council might be forced upon the Executive by the Assembly. What might have been Mr. Johnston's opinion as to the propriety of retaining my services had he been confident of a majority, I cannot determine, but I would not much like to hold a seat by so frail a tenure as the moderation of those by whom he is sustained. My belief is that an erroneous impression has been made upon your Lordship's mind, both as to the composition of the new House and the construction which will be placed upon the policy of the new appointment. Those who differ from my friends and myself will soon have an opportunity of testing the sobriety of our judgment and the accuracy of their own calculations. I thought and still think it would have been better to have tried the temper of the new House without making any appointment; or to have made one that would have brought to the Government some Parliamentary support.

"The claim" which we "assert" in our "resignations," your Lordship will permit me to observe, is simply this:—That we not only have the right, but are bound to retire from the Council, when a course is adopted which we believe will damage our public characters and shake the confidence of the Assembly in the Executive Government. I should be unworthy to advise your Excellency, if I did not back the sincerity of my opinions by the cheerful surrender of office; and your Excellency might reasonably complain, if I clung to what was only given to me as a guarantee for sincerity and ought to be yielded up as a pledge of grave and deliberate conviction.

Retirement from the Council does not necessarily involve "opposition" to the Government. Personal or factious opposition to your Lordship I am incapable of. Whether or not your advisers are to meet with hostility in the Assembly, will depend upon the wisdom of future arrangements, the soundness of their principles, and the value of the measures they bring down. I fear from the course pursued, that a large body of the leading men in the Legis-

lature will be driven into opposition; and it is more than probable that, unless those who have advised it materially change the views by which they paralyzed the last administration that they almost exclusively influenced, I shall be compelled, however reluctantly, to press upon them, at times, what may appear to be the opinions and interests of the country.—I have the honour to be, with great respect, your Lordship's most obedient, very humble servant,

JOSEPH HOWE.

To HIS EXCELLENCY THE LIEUTENANT-GOVERNOR, &c., &c.

CHAPTER X

1844

Opening of House—Governor's speech—Mr. Howe's defence of resignations—Mr. Huntington's amendment—Mr. Johnston sustained on division—Overtures to retired Councillors—Proposition declined—Bitter feeling between Governor and Mr. Howe—Mr. Howe resumes editorial management of *The Nova Scotian*—His opening editorial—Article on Lord Falkland's position—"The Lord of the Bed-chamber"—Further overtures—Extra session of Legislature—Resolution of want of confidence—Governor visits country districts—Address to Governor—Mr. Howe's letter to Mr. Hincks—Lord Stanley's declaration in Parliament—Mr. Howe holds meetings in the country—Speeches in Cumberland and Hants.

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WHEN the session of 1844 opened on the 8th of February, Lord Falkland was advised to put some paragraphs into his speech which at once opened the floodgates of controversy. He said:

For nearly four years, my best energies have been devoted to the advancement of the best interests and happiness of this Province, and being satisfied that a government composed of individuals of one political party only would be ill suited to its actual condition, I have ever distinctly avowed my reluctance to form such a Council and my earnest desire and intention to administer the affairs of the colony with the advice of a board at which all interests should be represented. This desire and intention I still retain. By the aid of a Council thus constituted, the just claims of all classes may be urged upon the attention of the representative of the Sovereign.

Whereas a party government would expose the Lieutenant-Governor, who must unavoidably be often ignorant of local relations, to the great danger of being made an instrument of oppression to some portions of the community for the aggrandizement of others, however much his own inclination might lead him, as his interest always *must*, to promote the general welfare without preference or distinction.

Well assured of the love that the people of Nova Scotia bear to the person of our gracious Queen and of their attachment to the connection which binds them to the mother country, I am convinced that, so long as I adhere to the principles from which I have never departed, of firmly resisting any invasion of the royal prerogative, while I use the powers which that prerogative confers,

justly and impartially, for the benefit of all Her Majesty's subjects, I shall deserve and secure their approbation and affection, and that both will be made manifest by the cordial and efficient support I shall receive from you as the representatives of their opinions.

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The debate provoked by this speech and the correspondence of the December previous lasted a fortnight. Nothing could exceed the temper and moderation displayed by Mr. Howe. Personally attached to Lord Falkland, believing him misled, regretting his errors, and foreseeing the results, he could not suspect him of treachery or unkindness, and gave him credit for thinking he was right even when most in the wrong. The members of Council were held strictly accountable for the Governor's speech and letter, and not a word was spoken in debate disrespectful to the Lieutenant-Governor. We give Mr. Howe's speech of February 15th in defence of his conduct at this period :

I regret that the course taken by the members of the Government makes it imperative for me to enter into a full explanation of some matters which, had they refrained from unjust insinuations and violations of confidence, I should certainly have been the last to introduce into debate. That a member of Council should have thought it within the scope of his privilege, in order to found a charge against his retiring colleagues and their friends, to drag before the committee not only the secret discussions of the Council board, but the private and confidential conversations which passed beneath his own roof, seems to me a little singular. Such a course is unprecedented in the records of any British Legislature with which I am acquainted ; and if the precedent now set is to be followed, there will be an end to those courteous usages and that mutual confidence which are the cement and charm of public life. The retiring Councillors and their friends have carefully abstained from any revelations, from any violations of confidence, which would have been unparliamentary ; they preferred no charge against their colleagues for anything which had occurred previous to the appointment which led to their resignations, and they based their opposition on the policy since pursued and on the documents before the House. It would have been well if their late colleagues had acted with the same discretion ; but as they have not, as they have gone into discussions in Council and bed-chamber conversations, it will now become my duty to lay some facts before the committee, and I doubt not that before I am done, the members will feel that, as Actæon was devoured by his own hounds, so was the honourable and learned gentleman from Sydney's case torn to pieces by his own disclosures. Out of their own mouths they shall be condemned.

Far wiser would it have been for these gentlemen, had they at once bowed to what they must have felt to be the general desire of this House before it

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was in session a single day, and advised the nobleman at the head of the Government to make such changes in his Council as would have inspired confidence and ensured tranquillity, rather than to come down here to array one-half the House against the other ; and, depending on the Governor's name and personal influence and threats of a dissolution, and personal charges and insinuations against those who disapprove of their conduct, to secure them a majority of one or two, after a fortnight's debate on the opening speech. Had they done their duty to the Governor, to this House, and to the country, his Excellency would have stood in the position which the representative of Her Majesty ought ever to occupy, and all these strange discussions might have been spared.

The object of the learned member from Sydney clearly was to endeavour to make the impression on the House that the Speaker and the leaders of the Liberal party in the Government had been engaged in a deep plot against Lord Falkland and their colleagues ever since 1842, and that thus the Government had become weakened and finally dismembered. Now, I will be compelled to show, not only that there is no foundation for this charge, but that if there were suspicions and dissensions, intrigue and agitation, ending in the dissolution of the House and the dismemberment of the Council, our late colleagues and their friends were alone to blame. In doing this, I ask the committee to bear in mind that the members of Government possess decided advantages ; they can make statements, by authority, which however much they may vary from the recollection of facts and of expressions, the House is bound to accept ; they may reveal as much or as little as suits their purpose and no fault will be found ; while every word uttered in self-defence will be tortured by misrepresentation or regarded as a needless breach of confidence. It is true that I have obtained from his Excellency, since I last addressed the committee, permission to use my own discretion in conducting my defence ; but I cannot but feel, both as a gentleman and an ex-Councillor, that as that permission might have been refused, it ought to be used with great delicacy and discretion. From the first, my colleagues and myself have desired to narrow the ground of controversy ; to raise an intelligible issue, upon which Parliament and the country could decide ; and therefore, whatever other grounds of complaint we might have had, we rested our retirement upon the appointment of Mr. Almon, and so stated in short notes to his Excellency. The first mistake, as I conceive, which my colleagues have committed was to advise his Excellency to put forth a document, in which the secrets of the Council were revealed, untenable grounds for the appointment assigned, and a charge of wishing to wrest the prerogative made against us, for no other offence than decorously retiring from the Government when we could no longer defend its acts. This letter I should not have referred to, had it not been quoted here by the Attorney-General ; it is, therefore, before the House, and like the speech, must be charged, not upon his Excellency, but upon his advisers. The next error was in placing the prerogative in the foreground of the speech, in order that, the letter and speech

being taken together, the inference might be drawn that somebody was menacing the prerogative. This mode of attack is unparliamentary and unfair. If Nova Scotians have not the right to retire from a Council, then none of them will be mad enough to go in; and if the Governor, and not his advisers, is to be thrust into the foreground on every occasion as of old, there is then no change of system and responsible government is a cheat and a delusion. If there are great errors chargeable upon the Council, how much more reprehensible is their conduct in endeavouring to get themselves out of the difficulties in which they have been involved by their own folly, by gross breaches of confidence and unauthorized explanations. It will now become my duty to trouble the House with a narrative, which will, or I am much mistaken, put a very different complexion upon the whole affair to that attempted to be given by Mr. Dodd.

In 1840, Mr. McNab and I went into Lord Falkland's Council; we were then and for sixteen months after, the sole representatives which the Liberals, numbering two-thirds of the House, had at the board. Did our giving our best assistance to the Lieutenant-Governor, under such circumstances, show a desire for party government, for conservative exclusion, for a monopoly of power? I think not, and I believe few persons would have risked as much and borne as much as we did, from the jealousy and distrust of our own friends, in order that the Government might be aided under trying circumstances, in carrying out a new and beneficial system. The first thing which, in my judgment, weakened the new Government was the conduct of nearly all the public officers, and most of the friends, and relatives, and dependants, of our late colleagues, who at the elections of 1840 voted and acted against Mr. McNab and myself, who were members of the Government, and our friends who were pledged to sustain it. The next thing was the indecent conduct of a near relative of the Attorney-General, who at a public ball given afterwards was seen to hiss Lord Falkland's health. Those who saw such things naturally concluded that there could be no good feeling, no real sincerity, in the Council. Previous to the meeting of the House, the absurd cry of "the Premier" was raised by the Conservative press, to prejudice my claim to the Speakership, some of my colleagues being competitors; this cry has ever since been continued, leading to much misrepresentation and mischief.

The House met in February 1841, and shortly after the members of Government here made their explanations of the new principles and policy to be pursued. Though the language varied in substance, they all agreed that though the Governor was responsible to the Sovereign alone and *that* responsibility could "devolve on no man," yet that his advisers were responsible to the House for all his acts and for every exercise of the prerogative, and that if these were not satisfactory, a vote of the Assembly could compel them to resign or to dissolve the House. This is the essence of the Doddean confession of faith. These have been the true principles of the Government, never varied from or disavowed by Lord Falkland from the moment that his administration

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was formed. It was to have been expected, then, that our colleagues in the Legislative Council would have held the same language and fairly avowed the same principles that we did here. But on the contrary, their statements were so different from ours, in part frittering them away and in part flatly contradicting them, that from the moment they were made, there was a very general impression of blundering misconception of the new system on the part of our colleagues or of bad faith, which not only weakened us in the House, but had its effect upon our friends and supporters throughout the country ; the one set adopting the principles as explained by us, and the other as mystified and misstated by our colleagues. So strong was the dissatisfaction exhibited in the House that I found it necessary to refer to the misstatements made in the other end of the building, and reiterate and enforce the views previously given here. [Mr. Howe here quoted from the reports, extracts from the speeches of the Attorney-General, Mr. Stewart, and himself.] I would have been justified in quitting the Government or insisting on the dismissal of my colleagues, the moment that those extraordinary speeches were made ; and I would have done so, but that I did not wish to produce embarrassment and because I hoped that the day would come when my views and statements would be authoritatively confirmed. I have got my reward ; the day has come, and whatever I may have endured or risked or forborne to bring it about, I have now the satisfaction of seeing the Attorney-General frankly adopt on the floor of this Assembly the principles in their fullest extent, and to find that in the new House, fresh from the people, there is not a man bold enough to stand up and deny them.

On the 8th of April Mr. Huntington, who, with several of my friends, had from the first been dissatisfied with the administration, partly from the insufficient representation which the Liberals had in it and partly from the grounds of suspicion which our colleagues and their friends had thus furnished of insincerity and bad faith, moved an address on the Civil List question which was tantamount to a vote of censure. The Liberals at the time composed two-thirds of the House. Had Mr. McNab and I felt inclined to intrigue against our colleagues, we needed only to have yielded to the earnest solicitations addressed to us by my honourable friend from Yarmouth, and my late honourable friend from Windsor, during that session, who repeatedly urged us to join them or even to stand aside and let them sweep out of the way the weaker portion of the Council. Did we do this ? Did we, as the learned member from Sydney would now wish to insinuate, lend our countenance to such a movement or disgrace ourselves by such an intrigue ? No, sir ; my language to my friends at that time was, "As I have acted honourably by you while associated with you as a party, so am I bound to act honourably by those with whom I am associated in the Government. If you move a vote of censure, I will defend the Government as a whole, by its acts and policy ; and defeat you if I can." They were defeated by a majority of thirty-three to six and the session was triumphantly brought to a close. Now, here let me say, as my learned friend has thought proper to give us conversations as evidence of

intrigues, that some time after the close of the session, one of my learned colleagues frankly admitted to a colleague now in this House that he had purposely made a speech in which the principles of government were mystified, because he saw there was to be a change in the ministry in England and thought they would be withdrawn. What can the committee think of a member of Government thus embarrassing his colleagues and grossly betraying the Lieutenant-Governor? Yet these are the gentlemen who now complain of intrigues for dismembering the Council.

Mr. Howe here referred to the state of the press at this period to show that while he as an editor supported the Government and defended his colleagues for sixteen months—*The Recorder, Register*, and country newspapers, on the Liberal side, doing the same—*The Messenger*, Mr. Johnston's organ, which had of late become eminently political, maintained a sulky silence, and the Conservative papers, which now supported the Government because the Liberals were out of it, were teeming with slander and invective. He referred to a series of articles written by him in defence of the Government in the spring of 1841 and to a eulogium upon his colleagues printed in the last number he ever published, at the close of that year. Thus it was that he had, by a steady resistance of all importunity from the Liberals, by an ardent and zealous support of the Government, ultimately brought nearly the whole party to give it cordial support. Mr. Howe showed that the favourite idea of the Conservative writers of that day was that, as the Tories had got into power in England, Lord Falkland ought to be removed, the old Council restored, and the Liberals turned out; in fact, that our own Legislature ought not to have the smallest influence upon our own Government. Mr. Dodd himself, although of his fair and honourable conduct in the main he had no reason to doubt, certainly had up to the period to which he referred committed a blunder which was well calculated and did weaken the Government and bring it into contempt. In going upon the hustings and pledging himself to a dismemberment of the Province, without the sanction of the Lieutenant-Governor, or consultation with his colleagues, he committed an offence compared with which his own unfortunate notice of motion in 1843 sank into insignificance.

Mr. Howe here referred to the Lieutenant-Governor's dismissal of Mr. Binney, and showed that while the Conservative friends, relations, and dependants of his colleagues, with but few exceptions, and many of the public officers, both in public meetings and in the societies, openly opposed Lord Falkland, the Liberals and the

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Liberal press stood by him to a man. In tracing down his narrative to 1842, Mr. Howe declared that for six months of that year he scarcely wrote a line, except an article or two in defence of the Government, while the most savage and violent assaults were made upon Mr. McNab and himself by the Tory press of Halifax and Pictou.

I come now, sir, to the events which led to the conference in Mr. Dodd's bedroom, of which such an unfair use has been attempted to be made. Let me ask what took us to Mr. Dodd's chamber? On the 10th of February we lost the Bankrupt Bill; this was the cause of the conference—the reason for the uneasiness, the suspicion and the difficulty of the time. But, sir, was it our intrigues that defeated that bill? Did the Liberals only oppose it? No, sir; of the seventeen members who voted with the Government on that occasion, but five were Conservatives, while ten Conservatives voted against us. Of the five who voted for the measure, three were members of Council, so that our colleagues, who at that time held seven seats in Council, while we held but three, only brought us, in addition to their own, two votes to sustain us on an important Government question. I remember the astonishment with which I regarded that division; the official and other influences which were supposed to have produced the result; and I remember when Mr. Dodd put the question to me as to whether, in the event of the Government being overwhelmed with a vote of want of confidence, we would go to the country and unitedly oppose those who passed it, that my answer was that, though I would manfully defend the Government down to the last moment and act honourably by my colleagues, yet that if we were defeated, so heartily sick was I of the treachery and blundering and unfair conduct of some of them and their friends, that nothing should induce me, if once honourably out of the administration, to go into it again. What Mr. Young said, I do not remember, but that was what I felt and fairly expressed.

On the 17th of February, being determined to ascertain what the real strength of the opposition was, the resolution of confidence was introduced; it was moved by Mr. Lewis and seconded by Mr. Chipman, and both these gentlemen, it is generally believed, as a reward for the good services they then rendered to the administration, were displaced at the recent elections by the exertions of zealous partisans of two members of the very administration they thus stepped forward to rescue from a most humiliating position. I am now speaking of 1842, a week after the loss of the Bankrupt Bill and the conference at Mr. Dodd's, he still being confined to his chamber. My sincerity and that of the speaker then was evinced by boldly propounding a vote of confidence; by making speeches of three hours in defence of it; by inducing twenty-seven Liberals to vote for it—the Conservatives, driven to take one side or the other, lending us but thirteen. Of the eight members who voted in the minority, but three were of our party. Thus it was, sir, that

we at this period sustained the Government, and yet Mr. Dodd, who sat in his bedroom all the time, now seeks, at the end of two years, to found a charge against us of infamous and ambitious personal intrigue.

The moment this resolution passed, the Government was again in a powerful position. What struck it down and paralyzed it almost immediately after? What so shattered and weakened it, that we were threatened with a repeal of the very vote of confidence which had just passed? Need I remind the Attorney-General and Mr. Dodd what it was that produced that crisis, which led to Cabinet Councils and the formal and final annunciation of the principles of the Government in the "confession of faith"? Do they forget that some members of the Government in the Legislative Council had again denied the very existence of that responsibility which we had all here acknowledged and upon the faith of which our majority here was secured? Do the members of the Government here forget the events of that period? I remember seeing at Antwerp a curious picture of a boy taking physic, his brother holding his upper jaw, his sister the lower, while his mother thrust down the medicine with a spoon. As an offset to the bed-chamber story which my honourable and learned friend from Cape Breton has given us, I think I could relate a scene in which he and I acted as assistants and in which the Doddean confession was thrust down two learned and honourable throats by strong compulsion. The picture would be a curious illustration of the past, but I forbear, though the medicine then administered has never seemed to sit easy on the stomachs of those compelled to take it and they have rarely let slip the opportunity to eject it again.

Mr. Howe here referred to the series of letters abusing himself and Mr. Young, two members of the Government, in the spring of 1842, in *The Messenger*, a paper edited by an officer of the Government, as another curious indication of that want of amity and mutual confidence and mutual protection, which was forced upon the public mind by the folly of those who were responsible to the country for all the mischief which had occurred.

At these attacks, coming from a source over which it was supposed the Attorney-General had some control; written, as they undoubtedly were, by an intimate friend, and aimed at two of his colleagues, who, down to that period, had acted towards him with all sincerity and good faith, the Liberal party were naturally indignant. His answer to his friends, who complained of what they regarded as evidence of treachery and hostility, was, "The Attorney-General is not answerable for the folly of all his friends; he should not be charged with all that his friends chose to write in the newspapers or blamed because his colleagues are attacked." Down to this period, nay, for six months after the conversations in Mr. Dodd's bed-chamber, I not only felt no hostility and harboured no suspicions, but certainly had never knowingly performed

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an act, spoken a word, or written a line, which could have a tendency to weaken the Government or lower my colleagues, individually or collectively, in public estimation. In the summer of 1842, I became engaged in a controversy with two individuals about matters purely personal. Into the merits of that controversy it is not necessary for me to go; it is sufficient for me to express the astonishment with which I saw one of my colleagues, the honourable and learned Attorney-General, step out into the newspapers, and without cause, without really knowing anything of the matter, volunteer a public attack over his own signature upon me, and I had for more than two years under the most trying circumstances stood between him and the hostile feelings and well-grounded suspicions of my friends. Though highly indignant at this unprovoked attack, and though I expressed what I felt frankly to the Attorney-General, for the sake of the Government of which we were both members I naturally passed over the matter as lightly as possible in the public notice which I was compelled to take of it, but endeavoured to induce my friends to believe that it sprang from a mistaken sense of duty rather than from any less honourable impulse. My friends, personal and political, took a different view of the matter; they considered this but as the final evidence of the existence of intrigue and hostility which they had long suspected, and another circumstance shortly after gave new force to their suspicions.

Here Mr. Howe delicately referred to Mr. Stewart's proposition to Mr. Uniacke, to get into the same boat with him and Johnston, form a combination of Baptists and Tories, and throw him overboard.

That story has circulated for fifteen months uncontradicted, nor do I believe it can be contradicted, for when I indignantly remonstrated with Mr. Stewart at the time, though he denied any serious intention, he admitted having used the language attributed to him; and one thing is very certain: the combination of Tories and Baptists was formed, the Attorney-General and Mr. Stewart are in possession of the boat, and I and Mr. Uniacke who refused to be a party to the novel alliance, have been driven out. Thus then have I acted towards my colleagues, and in this spirit have they acted towards me. Down to this period, running over two years, the Liberal members of the Council had done everything in their power to shield their colleagues and strengthen the Government; they had defended them in the press and covered them with friendly majorities. Mystification of principle, floods of Conservative abuse, secret intrigue, and open attacks were their reward, until their friends would no longer listen to their remonstrances, and resented a course of conduct which they believed to be most unprecedented and unfair. Down to the close of 1842, the Liberal press and Liberal party had sustained the Government in good faith, but when the Attorney-General's letter and Mr. Stewart's intrigue became public, from that moment they suspected a state of feeling in the Council which ultimately produced its natural results.

Mr. Howe here touched lightly upon the memorials sent to the Governor by Mr. Johnston's friends—their attack in *The Messenger*, in the winter of 1843, naturally leading to severe retorts from him while discussing the question of colleges. He traced the progress of public business through the Qualification Bill debates, and Mr. Dewolf's retirement, to show how steadily Mr. McNab, Mr. Uniacke, and himself, whatever causes of complaint they might have had, sustained the Government down to the spring of 1843.

A very large section of the Liberals voted to sustain the Government and the Qualification Bill, but yet, towards the close of the session, there was sufficient evidence of the gradual formation of the Baptist and Tory league, which Mr. Stewart had been the first to announce, and to which Mr. Dodd seemed to be lending himself, to rouse the indignation of my friends. A good deal of uneasiness was created by these indications, but the sincerity with which I still acted towards the Lieutenant-Governor and towards all parties concerned, was shown by my anxiety to get Mr. Huntington's support to the Government, for which I still continued to hope down to a very late period of the session. When that gentleman declined, and when some bills, favourites in the House, had been destroyed by members of Government in the Legislative Council, a determination was shown by Mr. Annand, Mr. Huntington, and others, to move against the administration. Again Mr. McNab and myself interposed, remonstrated, and obtained an assurance from the more moderate of the party that they would not sanction the resolutions which had been shown around the House.

And thus the business of the session of 1843, after all our difficulties, was drawing to a close. On coming down to the House one morning after the Liberal party had thus been induced to withdraw opposition, I heard that a resolution was to be moved by the other side against me; I inquired what its nature was, and who was to move it, but could get no information. Supposing it was something aimed at my office, I prepared a general resolution, which included nothing more than Lord Falkland had over and over again stated his desire to establish; which we had all been struggling towards and hoped yet to reach, and which would have raised the broad question of whether heads of departments were or were not to sit in the House. I did not think it necessary to consult my colleagues, because nothing might be moved; I could not give any definite information, for I had none myself, and besides, matters had got into such a strange state, that really it was difficult to tell from what quarter or from whose hand, the next blow at me might come. When Mr. Marshall rose and gave the notice, mine was given, and what did it amount to? It was a notice that I would do something a year hence, if another gentleman did something also, three hundred and sixty-five days being allowed for consultation, and nobody being tied up by the exact words of the resolution; which was immediately returned to my pocket and might have

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been buried or else modified in any way, if distasteful or injudicious. Now, let me take the worst view that can be taken of this act; suppose it hasty, imprudent, or the result of feelings roused and provoked by three years of folly, imprudence, treachery and most deadly assaults coming from the other side; suppose it an attack upon the Government, which it was not, or a reflection upon my colleagues, which it was not, surely it ill became those whose own conduct had provoked it—it ill becomes them now to make a mountain out of this unfortunate notice of motion, the only act upon which they can found an objection from 1840 down to 1843. Mischief was attempted to be made of it; it was represented as likely to set the country in a flame, but like sundry other notices of motion given during the session, it was quickly forgotten, and failed to realise the anticipations of my enemies.

Spring came on, the grass was verdant, the flowers began to open and the birds to sing, and I felt disposed to forget the feelings and the fatigues of the session. The country was quiet, and the Government, if not so strong as it had been, was so far successful as to give for the next twelve months but little uneasiness. In the midst of all this quiet and fancied security, away went the Attorney-General to Yarmouth, then to Onslow, and subsequently to Bridgetown, stirring up strife and agitation wherever he went, abusing the House of Assembly in general and me in particular; and on one or two occasions actually framed a resolution aimed at his unfortunate colleague. This agitation extended over about five months. I took no notice of it till the Governor had completed his tour and until late in the autumn; then, having obtained his Excellency's permission, one meeting was held in the capital, and four or five others in the Eastern counties, the Governor frankly admitting that the Attorney-General having commenced the agitation, I had a right to set my views before the Province.

A short time previous to going to the country a Council was held at which the subject of a Civil List was discussed. The Attorney-General was then agitating in the west, and the disorganized state of the Council was, out-of-doors and in the newspapers, a general topic of observation. In answer to a question as to whether the Civil List Bill could be carried in the House, I observed that I had my doubts, from the disorganized state of the Council, and from the manner in which a majority of them had been defamed at public meetings, whether the Government would be in a position to carry any measure, unless some steps were taken to restore confidence. A dissolution was spoken of as a remedy.

Mr. Ross: From whom did the suggestion of the dissolution first come?

Mr. Howe: That is not material; I have used the permission granted very sparingly and shall adhere to that course. I opposed the dissolution on the ground that it was not the proper remedy and would punish the innocent, when we alone were to blame. The conversation became general and the sub-

ject was finally dropped. A day or two after, his Excellency did me the favour to send for me, to show me a communication on the subject of the Civil List. The subject was fully discussed, and I left with the understanding that his Excellency would submit as low a scale as might seem to be just; that members of the House would do their best to carry it; and if modifications were forced by the House, which his Excellency did not feel himself at liberty to accept, a suspending clause should be attached to the bill, and the subject left for the Colonial Secretary's final adjudication. With this impression, therefore, that the Civil List was disposed of and the Governor's difficulties removed, I left for the country. This is my impression of what took place, but I am bound to adopt the extract from the despatch, which his Excellency sent down, as the only statement of what did occur, if his Excellency insists upon it. I am authorized to state only what is sanctioned, and where my explanation may differ from the communication made by the head of the Government, the House in such cases is bound to take his and not mine.

I left town the next day after my final interview. The Attorney-General in the interim returned and at Antigonish I received a letter from Mr. McNab, informing me that the question of a dissolution had been seriously revived. I explained the engagements by which I was surrounded, and said that I had given my opinion strongly in writing and had no wish, as had been supposed, to favour the impression that I had been consulted.

Down to this period, I had never contemplated the formation of a party Government; I had never pressed it upon the Governor. Though the subject had been urged in the newspapers, I had invariably told my friends that neither the Liberals nor the Conservatives were in a condition to form a strong Government of themselves; and although provoked with the eccentric behaviour of the Attorney-General, had never contemplated or asked his expulsion from the Government. I returned to town on Friday evening. On Saturday, a requisition, signed by Mr. Almon and nearly all my political and personal enemies, came out in *The Recorder*, calling a public meeting of my constituents at Masons' Hall, to nominate members for the town and county of Halifax. As neither Mr. McNab nor myself had been consulted about this movement and as we found our colleague the Attorney-General in the hall prepared to address this avowedly hostile meeting, it would have been strange indeed, after three years and a half of such conduct as I have described, ending in such an exhibition, had we not gone for some form of Government which would have included more unity, confidence and good faith.

Mr. Uniacke, notwithstanding the disclaimer which appeared in the papers lately, encountered at Sydney opposition clearly traceable to the leaders of the Baptist party, with which Mr. Johnston was identified; opposition which cost him £700, and which was, therefore, calculated to give him annoyance, and arouse disunion; and my belief is, that from the moment it was ascertained that he would not join the league against me his political position was seriously menaced.

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Here some conversation arose between the Attorney-General, Mr. Dodd, and Mr. Howe relative to the Sydney correspondence, from which it appeared that the impression was general among Mr. Uniacke's friends in Cape Breton, that letters had been written against him by those nearly connected with Acadia College.

Here then was evidence of a Baptist and Tory combination, which Mr. Stewart had suggested a year before, and which was found by the general conduct of the elections both in Halifax and elsewhere. [Mr. Howe next referred to his interview with the Governor after the close of the elections.] As the results were unfavourable to the Attorney-General on the College question, the only one that had been fairly before the country, as it was evident that he and Mr. Stewart had not brought back such a majority as would enable them to carry on the Government without the Liberals, I suggested that if they would retire, a Council could be formed which, if his Excellency presented no insuperable difficulties, should carry on the business of the country with a respectable working majority. When objections were raised, I wished to retire and get out of the way. As the Governor objected to this, and my friends thought I ought not to assume that the new House would not support the Government as it stood, I finally yielded my own opinion and conformed to the Governor's wish. The appointment of Mr. Almon followed.

The publicity of this, it being known all over the town long before either of the retiring Councillors were consulted, was referred to, not to found a charge against his Excellency, for he was not to blame, but to show that there were gross folly and breach of trust chargeable in some quarter. After due remonstrance, I expressed my wish to retire, Mr. McNab, Mr. Uniacke and myself having made up our minds. I was advised to consult my friends; I did so, and then found that both the Speaker and Mr. Doyle, who had previously advised my adhesion, and neither of whom had ever urged or desired the expulsion of the Attorney-General, both gave it as their decided opinion that to remain, after Almon's appointment, would forfeit the confidence of the entire Liberal party. For giving this advice, a charge of personal ambition was now sought to be made against the Speaker, which I here declare to be without the shadow of foundation. It was not that he had not held "the scales" equally that his conduct was disapproved, but because his masterly statement of the case had lifted the scales off the eyes of members. So far from "lowering the House," as had been said, he had elevated it by his stirring and manly eloquence. It was his duty, as the head of the House, to defend its principles and assert its powers.

Mr. Howe next stated his objections to Mr. Almon's appointment,—first, because it destroyed the balance of parties—one of which had before been most unequally represented; and next,

because it was unjust to the forty or fifty gentlemen who, in both branches of the Legislature, had sustained the Government for the last three years.

I deny that "affinity" to any man is a good reason for an important political appointment. I think if a relative of mine had been taken off the Annapolis hustings and thrust into the Council, the Attorney-General would have had good ground of complaint. It is in vain for Mr. Dodd now to express anxiety about the Catholics, because, had the three Councillors held on after Almon's appointment, there would have been no vacancy and their claims would have been overlooked. Had the intention really been to elevate a Catholic to the board, the seat given by Mr. Johnston to his brother-in-law should have been given to them. The learned member from Sydney was afraid that under the new system, the whole government of the country would be in the hands of five lawyers, resident in town. If so, some of them would represent country constituencies and all be responsible to the House; but had he forgotten that, under the old system, eleven out of twelve members of both Councils resided in the town of Halifax? A dissolution had been threatened, but for what? The only reason for the last appeared to be to get Mr. Almon into the Council; another could not be necessary unless the Attorney-General had another relative to provide for. The idea that the passage of this amendment would place a mark upon the Governor or degrade him was ridiculous. If I thought so, I would vote to throw it in the fire. What interest or what feeling could I have in the matter? He was above our aim. We were complaining to him of his Council, not of him to his Sovereign.

The learned gentleman from Sydney complains that we have changed our names from Reformers to Liberals, but he forgets that his friends set us the example, by throwing aside the good old name of Tory, and calling themselves Conservatives. He says the Attorney-General and I should have been both dismissed for agitating the country. I admit it; and if we had been, I should not have complained; but it is strange justice to reward him for setting a bad example and punish me for only following it. Had we both been expelled, our mutual misfortunes might have made us mutual friends and induced us to give our old friends, who remained, a pleasant time of it by a constitutional opposition.

We are told that if Mr. Almon is fit for the Legislative Council, he is fit for the Executive also; but my learned friend knows well that there is many a peer who would never be thought of for a Cabinet minister. If Mr. Almon was selected for his wealth, Mr. Collins has more of it; if for ability, Mr. Cogswell is his superior; if for his enterprise, Mr. Cunard has a superior claim; if for public service, Mr. Jeffrey was an older officer. But no, sir, the Governor tells us the true reason in his letter; he was selected to gratify Mr. Johnston, and the House will have to decide if that is a reason with which they ought to be satisfied.

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Mr. Howe closed his review of Mr. Dodd's speech by describing the effect of this "No Party" cry, which would tend to raise up a class of sneaking, contemptible politicians, like the fence-men in the United States; men who, wanting the talent or energy to win the confidence of either party, would seek only their own advancement, to the exclusion of able and honest Liberals and Conservatives, who, each in his own way, might have rendered the State some service.

In turning to the speech of the Attorney-General I regret that the lateness of the hour and the length of time I have already occupied will prevent me from bestowing upon it that attention which the position of the speaker, rather than anything in the speech itself, may seem to claim at my hands. It was the saying of an eminent legal authority, that "Lady Common Law must lie alone," thereby implying, that to become a good lawyer, the whole mind must be absorbed in the pursuit. Thus it was with the Attorney-General; he had lain so long with Lady Common Law, that when he got in beside responsible government, he did not feel much at his ease. One thing I was glad to hear him say, that he had adopted "the confession," as the true rule of administration; he knew that this declaration would be required of him, and must be made the moment he set his foot in this Assembly. That acknowledgment settled the general principles; no man, therefore, would venture to dispute them. The learned Attorney-General asks us to wait, and try the government by its measures; but where are they? The only one they have announced is the Civil List Bill, rather an old affair and one that would not now be offered if the revenues were productive. Alluding to the denial of the position that the Governor can do no wrong, I maintain, on high Canadian authority,—a pamphlet written by an officer of the Government, and published under the sanction of Sir Charles Metcalfe—that he can do no wrong of which the people under his rule can be the judges; they being compelled to hold the Council responsible for all the wrong he does, and he being alone responsible to his Sovereign. This responsibility I admit now, as I have done formerly. The article referred to stated he could "devolve it on no man," neither could his Executive Councillors throw upon him, as was sought to be done here, their responsibility to the people, by crying out, "Insult to the Governor! prerogative! prerogative!" whenever a vote of censure was moved against them. There is as little consistency in what has been written about "forcing opinions" upon Lord Falkland; no man has a right to do that; all have the right to reason, remonstrate, retire and go into opposition. These are the constitutional checks and guards operating all round a Governor, but leaving the prerogative unfettered. The Attorney-General complains that we couple parliaments and prerogatives together, like the Siamese twins. We are right; the union and sympathy between them should be intimate and unbroken. Strike away either and you establish a despotism; let them act and react upon

each other and you have British constitutional government. The Attorney-General admits that the old government of this country was a tyranny. May I not ask who defended it till it fell? He is afraid that a party Government would destroy the independence of the House. But does he not remember that the House destroyed the party Government which Sir Colin Campbell maintained?

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After touching on several of the other points of the Attorney-General's speech, Mr. Howe concluded:

As many charges have been preferred against myself and my friends, I have one to bring against the honourable and learned members of the administration. They knew, in a single day after the opening of the session, the temper of the House; they knew that there were not ten men here who approved of Mr. Almon's appointment, or who would desire to support the Government without such a reconstruction as was contemplated by the amendment. Why did they not bow with a good grace to the calm judgment of men of all shades of opinion, instead of provoking this protracted and angry discussion and bringing bed-chamber stories here, discreditable to the House and to the Government? Why did they not do justice, and restore confidence, and place Lord Falkland in the proud position which, as a nobleman deserving of the respect and confidence of the Legislature, he ought to occupy? I have, no wish or desire but to do justice to the Liberal party. Motives of personal ambition have been charged upon me; my ambition is akin to that of Fulton, who, while developing the principle of the steam-engine, cared little for the command of a steamboat. To me it is a matter of trifling moment now who form the administration in this colony or in any other; all I desire to see is that principles are legitimately worked, and Governors generously sustained, winning confidence by the value of their measures and the wisdom of their appointments, not driven by temper or personal importunity to array one half of the House against the other, and weaken the prerogative by using it unsparingly in defence of acts which public opinion cannot sustain.

The amendment moved by Mr. Huntington and seconded by Mr. Uniacke, was in these terms:

Of your Lordship's administration during the last four years, the people's representatives have hitherto, in the exercise of their constitutional privileges, expressed their approval. The Queen's representative, we humbly conceive, following the example of the august Sovereign he represents, should not only resist with firmness any invasion of the prerogative, but wield the high powers committed to him for the good of the whole people residing within his government. For the maintenance of his dignity and the constitutional exercise of his prerogative, he may always sincerely rely upon the loyalty and intelligence

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of this House, faithfully reflecting, as we trust it will, "the love the people of Nova Scotia bear to our gracious Queen and the attachment which binds them to the mother country."

The question of party government is one which this House does not feel itself called upon to raise at the present time. The system of administration graciously conceded by the imperial authorities subjects the advisers of the Governor to a responsibility to Parliament for the acts and policy of the Government and makes it incumbent upon him so to select them as to preserve the confidence of this Assembly; and we beg to assure your Excellency, that whenever it shall please your Excellency to surround yourself with a Council truly representing all the great interests of the country and enjoying the confidence of this House, you may rely, in the conduct of the administration, upon our "cordial and efficient support."

When the division was called for only twenty-six members out of fifty-one were found to sustain Mr. Johnston, who had the whole patronage of the Government to aid him, with Lord Falkland's personal canvass, conducted in anything but a fair or constitutional manner.

It was impossible for Mr. Howe much longer to take amiable views of Lord Falkland's proceedings, for every day he gave some new provocation. When the fourteen days' debate was over and the Government was shown to be powerless, instead of submitting with a good grace to the necessity for an honourable compromise, Mr. Dodd was sent to the retired Councillors to offer them their seats again, provided they would subscribe to a paper, thus described by Mr. Howe in his speech of the 13th February 1845, in which the course of events at this period is accurately traced. "We were," said he, "'to be guided in certain matters' by those whom we knew were no safe guides. We were 'to state our concurrence in matters of importance' very faintly shadowed forth; to give 'a direct renunciation of a doctrine' which was utter nonsense; and 'a frank recognition of the Governor's right' to select a mixed medley of men of all sides, holding no opinions in common, to sit in his Executive Council."

The proposition was respectfully declined. A few days after, Mr. Howe made through a mutual friend an offer to waive all personal claims if Lord Falkland would form a strong Government and resume his right position. The gentleman found his Lordship in a towering rage, and reported to Mr. Howe that he had declared that there should be between them "war to the knife." Who can wonder that when this remark was repeated to Mr. Howe the revulsion of feeling

should have been very painful. If "to be wroth with those we love doth work like madness in the brain," he had a reasonable excuse for at least that amount of divine rage called "virtuous indignation." "Down to this moment, I would," said he, "have burnt my house over my children's head to have served or to have saved Lord Falkland." It was hardly to be expected that this feeling should be cherished after his Lordship's declaration of war.

The war soon came. That evening an extract of a despatch from the Colonial Secretary was published in *The Gazette*, in which the Governor was informed that he should be sustained in "resisting the pretensions of the retired Councillors." As they had pretended to nothing except to their right to resign, it was evident that this despatch could never have been written except upon some *ex parte* or disingenuous representation of what had occurred here. The papers were moved for and refused.

A popular newspaper, hitherto neutral in politics, was purchased by the gift to the proprietor of the Queen's printership, from which Mr. John Sparrow Thompson, an old personal friend of Mr. Howe, was removed. This paper became Lord Falkland's organ and teemed with personalities and abuse. To add to the irritation, a military surgeon, who attended Lord Falkland's family, took the field, and under a *nom de guerre* that soon became generally known, attacked the Liberal leaders. The country was daily flooded with defamatory matter, and the hope was evidently indulged that Mr. Howe and his friends would be broken down and that Lord Falkland would ride rough-shod over the constitution so recently won. There was some danger of it, and Mr. Howe saw clearly that to secure and consolidate what had cost the Liberals years of labour, the spirit of the country must be sustained and public opinion guided. He had retired from the editorial management of *The Nova Scotian* and sold the establishment to Mr. Nugent at the end of 1841. Mr. Annand became the purchaser of it in 1843. In the spring of 1844, Mr. Howe, at the request of the Parliamentary leaders of the Liberal party and in compliance with the general sentiment outside, consented to assume the conduct of that paper again, and of *The Morning Chronicle*, which had been recently established. An arrangement was made, by which, while Mr. Annand retained the proprietorship and general management of those papers, Mr. Howe was left free to make what use he pleased of them in defence of the popular cause and as vehicles for the dissemination of Liberal opinions. This arrangement was announced on the 6th of May 1844, and lasted till April 1846, when

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Mr. Howe moved into the country. Nothing could exceed the buoyant and cheerful spirit with which Mr. Howe applied himself to the task which he had assumed, of routing Lord Falkland and his Government, horse, foot and artillery, at the next election. In the darkest hour he never despaired. He played through labours multifarious, and which, to a person of different temperament and training, would have been irksome. His arm-chair became the centre and rallying-point of the whole party. The office was rarely empty; his house, when at home, never. He often dashed off an editorial, which was to set the whole Province laughing or thinking, surrounded by a mob of friends planning some movement or preparing for some meeting. He often worked when he was weary; he inspired others with cheerfulness when his heart was sad; and he thought as little of galloping over two or three counties and addressing half-a-dozen public meetings, as others would think of a drive round "the Point." Three years behind the scenes had given him a thorough insight into the workings of executive machinery and an intimate acquaintance with the capacity and sentiments of those to whom he was opposed. While he had admired in Lord Falkland some fine personal traits which he undoubtedly possessed, he had looked keenly through him and knew his foibles well.

In his opening address,¹ Mr. Howe thus alludes to his reasons for retiring from the press in 1841, and for resuming editorial labours in 1844:

"We love it, we love it, and who shall dare
To say that we love not this old arm-chair."

Two years and a half have passed away since we vacated the editorial chair, as we supposed for ever. In doing so we were not without some misgivings that the change might not subserve our worldly interests or increase our happiness; but still the step was inevitable, and we bowed to the necessities of our position. Being a member of the administration and Speaker of the House of Assembly, it was impossible that we could continue to conduct a fearless and independent press. We could not animadvert upon the conduct of a single member of the body over whose deliberations we presided, or of the other branch, with which it was our duty to cultivate the most amicable relations. We could not criticise the conduct of members of the Government, for it was our duty to assume the responsibility of their acts; we could not complain of a public officer, for the ready answer would be, why charge misconduct which it is your business to curb or prevent? Thus hampered it was impossible that we could continue to wield a bold and impartial pen; accustomed as we had been

¹ *The Nova Scotian*, May 1, 1844.

to plain speaking and independent action, we could wield no other. We had too much respect for the press to drag it after us in the train of any administration, however well intentioned or usefully and honourably employed. The press is the fourth estate; it should be the public censor, not the servile agent of the other three. Hence the separation. It was right and wise and inevitable, whatever some of our friends, who did not feel as deeply the necessity for it, may have thought at that time. Our own honour, the success of our principles, the interests of the party with which we had become identified, rendered it impossible for us to abandon the public positions we had won and we therefore abandoned the editorial chair, the independent discharge of the duties of which was incompatible with the maintenance of those positions. We return to it now, not to gratify any morbid taste for notoriety; not because our interests are served thereby, for other occupations less onerous and more profitable are open before us; but as a soldier returns to his post which he may have left for a time upon other pressing service, but which he cannot with a due regard to the claims and safety of others, honourably abandon. Had a fair and just compromise been made by the Lieutenant-Governor during any one of the dozen opportunities that were presented during the last session, so sick were we of the ceaseless strife, heartless insincerity, and barren rewards of colonial public life, that we would have cheerfully retired to more tranquil pursuits and abandoned any claims that we might have been supposed to have either upon the country or the Government. But what we would have done cheerfully for the sake of peace we are not disposed to do upon compulsion. Those who, tolerated and protected by the Liberal party for three years, have treacherously sought to deprive them of their heritage, to damage character, to crush by fair means and foul, to monopolize power, and who have committed the egregious foolery of supposing that the party which taught them colonial politics, which whipped them out of one antiquated absurdity after another, would submit to leave the country in their hands, have committed a strange blunder. They might have had peace; let them prepare for war. They refused to share power upon honourable terms; let them have a care that it does not pass out of their hands. They returned "the magnanimity" which they were wont to acknowledge with treachery and intrigue and defamation the most foul; let them be assured that a day of reckoning is at hand. At least, let them be assured of this, that we resume the editorial chair with very different feelings from those with which it was abandoned and with a full determination to give to the country the benefit of our experience of the real character of the jugglery by which our public affairs have become so disastrously involved. Thank Providence we are once more unfettered, and free to call things by their right names and exhibit men in their true characters, independent of the trammels of honorary or official station and utterly regardless of those considerations which weigh upon the free thought and ingenuous expression in the varied phases of public life through which we have lately passed. Henceforth we can commence with our countrymen as we were wont

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to do in times of old, and never ask governors or colleagues what we shall feel and think and say. Whatever may have been sacrificed, this is a great point gained, and one that secures, in contrast with the opposite side, much of individual happiness. For three years and a half our individuality was lost and we sometimes doubted our own identity ; we were part of a nine-stringed instrument, which sometimes produced harmony and sometimes discord, but in which there was no clear ringing tone, either modified or subdued. But now, like the lark, we can rise on our own wing and pour forth our own strains, rejoicing in a sense of freedom that we have not felt for years. This, thank Providence, is an advantage that the editorial chair has over any of those in which we have sat of late. While one sits in it, however hard the work, they are answerable for nobody's sins or follies or shortcomings but their own ; in dignity it may be somewhat less elevated, but it is second to none in the range of usefulness which lies around it and in real substantial power ; not power to dispense or influence petty patronage, which brings but little gratitude and much responsibility ; not power to strut about as one of a dozen, who are estimated by the positions they are in rather than for the virtues that adorn them, but power over men's intellect and their affections ; power to influence the daily thought, to touch the hearts, to enter the dwellings of tens of thousands like an old familiar friend, and inform, excite, and guide them ; power, not without its legitimate checks—for, when abused, it ceases to be power. Hardly had we taken our seat upon our old acquaintance, when we fancied that ten thousand ties which formerly linked our name and daily labours with the household thoughts and fireside amusements of our countrymen, aye and countrywomen, were revived as if by magic. We stepped across their thresholds, mingled in their social circles, went with them to the woods to enliven their labours, or to the fields to shed a salutary influence over their mid-day meal. And we had the vanity to believe that we would be everywhere a welcome guest ; that the people would say, "Why, here is Howe amongst us again—not Mr. Speaker Howe, nor the Hon. Mr. Howe, but Joe Howe, as he used to be sitting in his editorial chair and talking to us about politics, and trade, and agriculture ; about our own country and other countries ; making us laugh a good deal, but think a good deal more even while we were laughing." Such is the reception we anticipate, homely but hearty ; and we can assure our countrymen that we fall back among them, conscious that there is no name by which we have been known of late years among the dignitaries of the land that we prize so highly as the old familiar abbreviation ; and no field of labour more honourable than that which we formerly cultivated with so large a share of approbation and upon which we are entering again.

"Welcome," says Charles Lamb to his desk ; "welcome, thou dead wood by which I live." And we say Welcome, thou old chair, in which, and by which we lived in comfort and independence for years, caring for no lordling's smile or frown, and conscious that our daily bread was not eaten on the frail tenure of any man's caprice ; but dependent upon our daily labour and bounty of

that good Providence in which we had been taught religiously to trust. Welcome also, all those familiar objects and sights and sounds, in the midst of which we passed our merry boyhood ; surrounded by which our powers ripened and our early triumphs were enjoyed. We fancy that the press feels a thrill of animation pervading its iron ribs ; that the types are dancing in the cases, in anticipation of the cheerful and free thoughts, of which they are to have, as our friend Doyle said of the Cabinet, "the merits of the midwifery."

We expect no speedy change, no sudden triumph. The present state of things will probably have to get worse before it is much better. From the present House, or rather from the small majority who support the present Government, we expect nothing ; we fearlessly rely upon the intelligence and firmness of the people, and we look forward to the next election when the constituency, having two sets of men and their acts and principles fairly before them, will decide which of them is to enjoy their confidence and guide the administration of their affairs. Until that decision is fairly pronounced, it is probable that we shall occupy the editorial chair and give to our friends, to whose generous and spirited exertions we have been a thousand times indebted, the benefit of our labours in that department, where they seem to think we can be of the most essential service. To rouse, to inform, to organize the two hundred thousand people who compose the Liberal party ; to put them in a position to rebuke the sneers of Tory attorneys ; to restrain the arbitrary exercise of the prerogative ; to make their voices heard, not only in the legislative halls, but also in the councils of their country, with a weight and authority that cannot be misunderstood ; this shall be our task for a time at least ; and we enter upon it with a cheerfulness of spirit which is the best presage of success.

Those who glance over the files for 1844 and 1845, will find in them everywhere traces of the activity and fecundity of a vigorous mind, resolutely directed to one object. Mr. Howe's pen, ever playful and energetic, was wielded with great effect, and the organized band of scribblers that the Governor had gathered round him, soon began to discover that they were to have no child's play. He pelted them with prose one day and with poetry the next, so that they were puzzled to decide whether he had studied Junius to most advantage or Hanbury Williams.

The Government had gathered no strength during the session, and in humble imitation of Lord Metcalfe's fragmentary administration in Canada, the vacant seats in Council had not been filled up. A Civil List Bill, brought down by the Government, had been mutilated, and votes which were tantamount to a want of confidence, were only staved off by amendments which were absurd, or by the admission of the right to resign, by formal resolution.

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The following is an article,¹ in which Lord Falkland's position, before and after his quarrel with the Liberals, is contrasted :

It is impossible to glance even for a moment at our Provincial politics without contrasting the position in which Lord Falkland stands at the present moment with the high ground which he occupied from 1840 down to the close of 1843. It is equally impossible to shut our eyes to the fact that, precisely in the degree in which the true principles of responsible government have been departed from, has the personal comfort of his Excellency been jeopardized and his personal influence impaired. We shall endeavour to make all this apparent, not because the discussion may afford the opportunity of venting feelings of disappointment, but because, if our opinions are well founded, the errors of the past should be clearly indicated, that the people may understand the true bearings of questions upon which they will be called hereafter to pass their judgment, and that a lamp may be held to the feet of future Governors, who may be placed in analogous circumstances.

Lord Falkland arrived here in the summer of 1840, comparatively ignorant, it may be assumed (as all persons trained and educated as he was, must be supposed to be), of the administration of colonial affairs. The Liberals had at that time a decided majority in Parliament ; their leaders are said, by their opponents, to have had the chief influence in his Council for the first three years of his administration. Assuming that this is true without asserting it as a fact, let us inquire how this power was used, how that influence preserved and strengthened the prerogative, and how far his Excellency's personal dignity and independence were maintained. His Lordship professed to be a Liberal in politics, as they were practically developed beneath his eye ; he also professed to be a true believer in the applicability of the principles of Executive responsibility to colonial government. Whatever may since have occurred to bias his mind or to change his views, we believe that his reliance upon the infinite superiority of the new system over the old was almost as great and enthusiastic as our own. His Government, though nominally a coalition, was a Liberal one, the general principles being those of responsible government as recognized in the North American colonies ; and the rule of patronage being to bestow all offices falling vacant (former occupants not being disturbed) upon those who either did, or appeared to, cordially support the Government ; nearly all being given upon the advice of, or in such a way as was supposed would be satisfactory to his Council.

During all this time, how fared it with the prerogative ? It was exercised in harmony with the wishes of the great majority of the people, but yet was ever vigorous and respected. Every Government measure submitted, but one (and that not touching the dignity of the Crown or the policy of administration), was carried ; every grant of money asked for was obtained, if not upon

¹ *The Nova Scotian*, May 20, 1844.

the instant, before the close of the session in which it was demanded. A vote of censure was negative, and a vote of confidence carried, by overwhelming majorities. The Queen's name was a tower of strength; the Colonial Office was not besieged by hostile delegations, but was fast acquiring a new character in the eyes of the colonists; and thus did the Liberals of Nova Scotia work out their own principles in harmonious subordination to the imperial authorities; thus did they uphold and carry Lord Falkland through, while his Government enjoyed the confidence of their leaders and maintained a Liberal character.

How fared it with his Lordship's personal comfort, dignity and independence? His first act drew upon him the hostility of some of the wealthiest men in the community; and they, their families, connections, and dependants, commenced a course of open opposition and petty annoyance and intrigue. Did the Liberals quail before this? Did they advise Lord Falkland to rush into a personal squabble, to write letters to the old Councillors, accusing them of wanting to wrest the prerogative from him? No; and yet they might safely have preferred such an accusation against gentlemen who refused to withdraw from Her Majesty's Cabinet, when Her Majesty herself requested them to retire; who were, for the time, as much intruders as the boy who climbs into the palace. No such thing was done. What passed in his Excellency's closet no one knew; but his advisers met the friends of the "great dismissed" in society, in the Legislature, and in the press, defended his act, and left him in a position of dignified independence.

How fared it with him again, when he had involved himself in a mere household squabble, with which his advisers, at the outset, had little or nothing to do? Did they shelter themselves behind him, thrust him into the front of the battle, and prompt him to write letters in the newspapers? No; they made the quarrel their own, fought it out gallantly and crushed the intrigues to which it gave rise, with the weight of their personal influence. Thus it was, that his Lordship was sustained by the Liberals, while they had or were supposed to have, influence in his Council.

How fared it with him in the interior? In every little village there is a nest of Tories, most of them holding office obtained under the old régime. These people, taking their keynote from their patrons in the capital, often presented a front of indifference and contempt, when his Excellency passed through their counties. How did the Liberals meet these petty machinations? By enthusiastic and simultaneous gatherings of the independent yeomanry, whom these cliques could not influence, and by demonstrations, hearty, decisive and gratifying. Lord Falkland passed, in 1842 and 1843, like a conqueror over the country; not because he was a Lord or a Governor, but because the people of Nova Scotia are attached to Liberal principles and enamoured of fair-play, and because they fancied they saw in their Sovereign's representative the embodied spirit of that constitution for which they had contended and will ever highly prize.

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Thus, for three years was the prerogative guarded and the Governor's personal comfort and dignity maintained by the Liberals; the occasional divisions in their own ranks and the miserable blunders of some with whom they were associated, to the contrary notwithstanding. He did no wrong in the eyes of his Sovereign, for his Sovereign approved of all he did; and, conscious that, as far as possible, the British principle should be maintained, and that if not incapable of wrong-doing towards the people under his Government, no wrong should be charged upon him here. All good and gracious acts were attributed to his Lordship, and the responsibility of all doubtful ones was assumed by somebody else.

Thus stood Lord Falkland, from 1840 down to 1843, intrenched within the natural defences of the constitution; the prerogative, not like an Irishman's shillelah at a fair, shaking every five minutes in everybody's face, but like the electric fluid in the cloud, reserved for great occasions and blasting where it fell. Who during this period ever heard of his Lordship being engaged in a newspaper controversy? When was he reduced to the necessity of courting those who had insulted him, of soliciting support to his Government as a personal favour, of threatening dissolutions beneath his own roof, of keeping important offices vacant for months, not daring to fill them up? Who ever heard of his waiting a fortnight for an answer to his speech, of his having his salary reduced, and the payment of his arrears postponed? Who then saw votes of want of confidence in the Government staved off by a vote of confidence in the Governor? Had there been, during any portion of this period, any power in the colony—any combination of able men—to reduce Her Majesty's representative to this extremity, the Liberals would not have remained at Lord Falkland's Council board one hour. They would have risen, and said: "May it please your Excellency, it is evident that our presence here is distasteful to a majority of the people; and though we may, by indecent threats and a degrading use of your Excellency's personal influence, drag you through a session, putting aside a formal vote by a majority of one or two, it is quite evident that we have not the power to carry out the policy openly avowed by your Excellency; to fill up vacancies in such a way as to strengthen your Government; to carry a single unutilized measure; or even to secure to you the salary solemnly pledged to you by the Queen. Under these circumstances, to remain beside you would be to weaken the prerogative, to attract by our unpopularity opposition to your Government, to lessen the undivided respect which the people should feel for their Sovereign's representative; and therefore it is our duty to retire that your Lordship may construct a more efficient and popular administration." This would have been the language of the Liberals, under such circumstances; and no pressure of religious or political adherents without, no motives of personal ambition, no threats or solicitations from his Excellency himself would have induced them to retain seats in the Council, when they no longer possessed the power to uphold the dignity of the Crown, and carry on efficiently the business of the country.

When the glory of Ichabod's house had departed, he would have departed with it.

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On May 20th, "The Lord of the Bed-chamber," destined to become a classic portion of political literature, appeared in *The Nova Scotian*. In July a new negotiation was opened, and letters were written to five or six of Mr. Howe's friends, offering them seats in Council upon no other condition than that they should consent to come in and leave him out. Had this attempt succeeded, the number of the Executive Council would have been increased to twelve. At a meeting of the opposition, "Mr. Uniacke was empowered to express their decided determination to have nothing to do with any arrangement which contemplated an increase in the number of the Council; to accept any proposition which gave the Liberals their due influence in a fair coalition, with the restoration of the three offices which they held in December. If those terms were refused, the party determined to hold their present position, and take their chance at the ensuing election."

An extra session of the Legislature was called on July 20th to consider a proposition growing out of an attempt at that time being made to separate the island of Cape Breton from Nova Scotia. When that business had been despatched, Mr. Howe, on July 29th, moved this resolution:

Whereas, the Executive Council has been, during two entire legislative sessions, imperfect and incomplete; and *whereas*, an important legal office has been vacant for six months, to the great detriment of the public service; therefore,

Resolved, That the people of Nova Scotia are entitled to have a full Council, responsible to this Assembly, surrounding the Queen's representative, that he may have the benefit of their advice in the exercise of the Royal Prerogative; and this House deem it their duty to declare that the Council as at present constituted does not enjoy the confidence of this Assembly.

The Government met the motion by a prorogation. Immediately after, Lord Falkland went into the interior, thinking by his personal presence in the rural districts to strengthen the hands of his advisers. He was mistaken everywhere; in some of the counties deeply mortified. At Pictou he was received with cold courtesy. There were "no flags flying, no cannon roaring, no cheering, no carriages accompanying him, no line from the wharf." In the west things looked even worse. On his visiting Kings county

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eight hundred freeholders, with the High Sheriff at their head, presented the following address:

To HIS EXCELLENCY THE RIGHT HONOURABLE LUCIUS BENTINCK, VISCOUNT FALKLAND, Knight Grand Cross of the Guelphic Order and Member of Her Majesty's most Honourable Privy Council, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c., &c., &c.

We, Her Majesty's dutiful and loyal subjects, the undersigned magistrates and yeomanry of the county of Kings, beg to welcome your Excellency once more to the "Garden of Nova Scotia," and to express our unfeigned pleasure at beholding among us your amiable and accomplished lady.

We have, on former occasions, while expressing respect for the Queen's representative, been happy that we could also approve of the policy of his administration; but now we feel it to be a duty, paramount to all others, to assure your Excellency that we have viewed with sorrow and deep regret the course pursued during the past eight months by which your Excellency's administration has been weakened, party spirit promoted, and the real friends of British institutions, and of a liberal and enlightened policy, thrown into opposition.

While we deplore these events, we would respectfully and earnestly pray your Excellency to listen to the counsels of those who are truly and sincerely interested in the peace and prosperity of the country, and who have earned our confidence and gratitude by an arduous and effectual struggle in defence of our dearest rights, and especially for being instrumental in introducing and securing to us those constitutional privileges recently conceded to us by the parent state, and now universally recognized as the only true basis of colonial government.

Should this independent expression of our opinion tend to convince your Excellency of the real state of feeling in the rural districts, we shall rejoice to see your Excellency ere long again surrounded by those who really possess the confidence of the great mass of the people.

KINGS COUNTY, August 19, 1844.

In the county of Hants the people spoke out with equal plainness. The following address, signed with one thousand and sixty names, was presented at Windsor:

To HIS EXCELLENCY THE RIGHT HONOURABLE LUCIUS BENTINCK, VISCOUNT FALKLAND, Knight Grand Cross of the Guelphic Order and Member of Her Majesty's most Honourable Privy Council, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c., &c., &c.

May it please your Excellency,—We, Her Majesty's dutiful and loyal subjects, the freeholders and inhabitants of Hants county, who have for many

years deemed the most enthusiastic loyalty to comport with steady adherence to British constitutional principles, beg leave to approach your Excellency and welcome you to Windsor.

We have viewed with deep interest the events of the last four years; we have co-operated with your Excellency in working out a system which is calculated to bind this colony to the parent state for an indefinite period of time. We have hailed with delight and confidence the sentiments expressed by Sir Robert Peel and Lord Stanley, in the recent debate in Parliament—sentiments which, if acted upon in good faith, are calculated to foster on this side of the Atlantic feelings which shall rear “a wall of fire” around the prerogatives of the Crown, and secure for ages the unity of the British Empire.

But we feel it our duty, at the present time, to state, in all sincerity, to your Lordship, that this country can never be peaceful, contented or happy, while those who have been the subtle and intriguing enemies of responsible government and popular rights exclusively surround your Excellency; and those who have been for years recognized as the leaders and guides of this people are opposed to your administration.

We pray your Excellency to pause,—to remember that we would gladly see you return to meet your Sovereign triumphant and successful, while many who surround you are inveterate enemies of the system which we will maintain to our latest hour, and which you can only gather laurels by administering in all its integrity. We respectfully inform your Excellency that our representatives have deceived both you and us, and we pray that your Excellency will, by an early dissolution, give us an opportunity of showing our attachment to those who, though excluded from your Councils, and apparently from your confidence, possess our unbounded attachment and esteem.

A small party in Truro having made an attempt to misrepresent the opinions of the people of Colchester, a deputation was sent forward who presented this address to Lord Falkland in the capital, signed by one thousand five hundred people:

To HIS EXCELLENCY THE RIGHT HONOURABLE LUCIUS BENTINCK, VISCOUNT FALKLAND, Knight Grand Cross of the Guelphic Order and Member of Her Majesty's most Honourable Privy Council, Lieutenant-Governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia and its Dependencies, &c. &c. &c.

May it please your Excellency,—We, Her Majesty's dutiful and loyal subjects, magistrates and yeomanry of the county of Colchester, deem it of the utmost importance that in the present position of affairs your Excellency should be accurately informed of the state of public opinion in the rural districts.

We have viewed with much concern the attempt made to construe the
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congratulatory address presented to your Excellency during your recent visit to Colchester into an approval of the policy of your Government, and we are apprehensive that should your Lordship take that view of it, you may be led into error.

While we owe to your Excellency the respect due to Her Majesty's representative and would gladly bear testimony to your high personal character, we regard it as a duty which we owe to our Sovereign, to your Excellency, and to the Province, to state firmly but respectfully, that the policy of the administration for many months has been, in the deliberate judgment of a large majority of the constituency of this county, injurious to the best interests of Nova Scotia.

We therefore pray your Excellency either to surround yourself with those who enjoy the confidence of the country, or, if any doubt exists, to give the people by an early dissolution the opportunity of expressing in the usual constitutional manner the sentiments which we believe are almost universally entertained.

This deputation was entertained by the Halifax Liberals at Masons' Hall, and new spirit was infused into the friends of responsible government in the capital by finding how well the questions at issue were understood in the interior.

Mr. Howe's opinions upon Canadian affairs and also the real state of matters in this Province, having been misrepresented in the Upper Provinces in the spring of this year, he addressed a letter to the late Inspector-General.¹ It is impossible to read this letter without perceiving how clearly he discriminated the points of controversy in both Provinces, and with what frankness, mastery of the subject, and thorough independence, he gave to the Canadians the benefit of his experience and knowledge of general principles.

LETTER TO FRANCIS HINCKS, ESQ.²

HALIFAX, *April 29, 1844.*

MY DEAR SIR,—I regret to find that my name has become mixed up with your newspaper discussions in Canada; and that some chance observation of mine, called forth in the heat of debate, has been quoted by your enemies, as conveying a condemnation of the course pursued by yourself and friends in retiring from the Executive Council. As I do not see many Canadian papers, and none very regularly, and as I am not even aware of what the reporters here have made me say, I am at a loss to know how any opinions of mine can be made to bear the interpretation put upon them. I think it fair, however, to set

¹ Mr. (later Sir) Francis Hincks.

² *Montreal Pilot*, May 15, 1844.

the matter right, by a frank denial that I ever pronounced any condemnation of the course pursued by the retiring ministers in Canada, and an explanation of my opinions on the important principles which appear to be involved in the pending controversy.

The conflicting statements put forth by the Governor-General and his ex-Councillors rendered it difficult for some time to judge what the real points at issue were—the facts of the case upon which alone an opinion could be formed not being admitted on both sides. It was in reference to this contrariety of statement that I said,—in answer to some speaker who sought to show that the Canadian and Nova Scotian cases were strictly analogous,—that the matter had been so “bungled” in Canada that it was difficult to say whether such an inference could be fairly drawn. This is all that was said or intended; and the observation was only meant to apply to the then involved state of the controversy; and used without any desire to charge blame upon either of the parties whose opposing statements rendered it difficult at the moment to form a correct decision; and most desirable to keep the simple fact, upon which the retirements here were based, free from any theoretical dispute about general principles, which it did not necessarily involve. I trust that this explanation will be deemed satisfactory, and the propriety of the course pursued under the circumstances in which we were placed, at once perceived.

The real points at issue in Canada appear to be now more distinctly developed; and assuming that all parties mean what they say and nothing more, and are disposed to profit by the past and bury the feelings it may have aroused, I can see no reason why Mr. Lafontaine and his friends should not be recalled to office to-morrow.

You deny that you demanded any “stipulations” as to the mode in which patronage should be dispensed in future. On this point, then, there need be no further controversy.

You claim the right to be consulted before appointments are offered or made. This appears to me to be reasonable. In the three years and a half that I sat in Lord Falkland’s Council, I never knew an instance in which this wise rule was violated. I can imagine some extreme case in which a Governor would act without advice, but only when his ministers had lost his confidence; and then the more correct and constitutional mode would be, not to wound and mortify, but to dismiss them.

You claim that no appointments should be made prejudicial to your influence. Whatever may be said of this in the abstract, in practice it must be conceded to every ministry. Members of Council are or ought to be selected because they have influence; they can only be useful and efficient while they retain it. To break it down by showing that to support them is not the road to preferment is anti-British and absurd. To hold out a bounty to encourage opposition to men who honestly support a Governor is an administrative anomaly which these colonies will never tolerate, to which men of spirit will never submit. To do Lord Falkland justice, he never favoured such a practice while his Cabinet was

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united. He endeavoured to strengthen the legitimate influence of his advisers by patronizing those who supported them. His errors were of a later date and of a different kind.

The true principles upon which patronage should be dispensed I take to be these : the Sovereign is bound to bestow all offices for the general good without reference to party ; but as no single mind can decide in all cases what is for the general good and as a majority of the people's representatives are assumed to reflect the wishes and best understand the true interests of the people, the Crown selects advisers from that majority and takes their advice in the distribution of patronage. So long as these men really reflect the national sentiment and feeling, it would be most unwise to patronize those who oppose them, and give offices to those who have mistaken the real interests of the country or failed to carry with them the sympathies and confidence of the people. To give force and efficacy to the national will, harmony and vigour to the national councils, public confidence should govern political appointments ; and, in order that there may be the necessary firmness and stability in government, those who conduct it should have their hands strengthened by the Sovereign or the Governor they serve, down to the moment when they are to be dismissed, for some good reason, justifying a reconstruction or an appeal to the constituency or in obedience to the declared wishes of Parliament. If, then, you did anything to forfeit the Governor-General's confidence, it appears to me that he should have dismissed you and appealed to the country. But while you were his ministers, it was at variance with constitutional principles to deny to you the legitimate influence arising from the dispensation of patronage ; if this was done, which by his friends appears to be stoutly denied.

The minority, under such a system, have no reason to complain ; they are not oppressed ; they share all the common blessings secured by good government and equal laws ; but they do not, for the time, share in the public honours and rewards which are the prizes reserved for those who have the ability to guide the national intellect or the tact and good fortune to command the confidence of the majority.

If it be said that colonial patronage is not to be dispensed by the Governors so as to satisfy the Parliamentary majority in Canada but the Parliamentary majority in England, then you had better have a respectable despotism at once, without all the troublesome and expensive machinery of a representative government. But I cannot believe that Sir Charles means this, or that such a policy would be approved at home.

The question how far the prerogative is to be restrained, in matters purely local, appears to be much canvassed in Canada. The view taken here previous to 1840 was, that all those petty functionaries spread over the different counties, should be appointed avowedly by the Council. This was, in theory, objected to by Lord Sydenham, who urged that every officer should be appointed by the Governor, in the name of the Queen. The point was yielded, he frankly admitting that in practice these appointments must be made by the Council,

who would alone possess the necessary local information. Our experience proves that on this point there need be no controversy. I can call to mind no instance in three years in which these appointments were not made with the approval of the Council or in which Lord Falkland found it necessary to interpose the prerogative in opposition to their wishes.

You will perceive then, that on several of the topics raised in Canada we have had hitherto no dispute. Appointments and offers of appointments were always communicated to us before they were made public, except in one instance, in which the secret was divulged by a member of the Council, the indiscretion being promptly disavowed by the Lieutenant-Governor. It is apparent that responsible government has been, down to a certain period, worked out simply and practically here, without any material difficulty arising to throw discredit on the system. Why you, having a clear Parliamentary majority, should have any trouble in Canada, I cannot comprehend. If Sir Charles seeks to deny to you what Lord Falkland freely accorded to us, he is wrong; if you, having all this in practice, desire to press the theory to an inconveniently strict definition, you may be acting unwisely; but of this the people of Canada are the legitimate judges. If you ask for nothing more than appears to me to be fairly included in the system and have a majority to support you, you ought to be the ministers. If Sir Charles is determined to give less and can get a majority, he may obtain a temporary triumph; but the people will ultimately have responsible government in all its integrity, notwithstanding.

As regards the reservation of the bill for suppressing Orange lodges, it appears to me that circumstances may arise, after a Government measure has been introduced, to render its postponement desirable. In that case, the preferable mode would be, for one branch or the other to defer it to the next session, and this could be done by the Government majority in any stage of its progress.

You will probably desire to know what we in Nova Scotia have been quarrelling about. The case is very simple. The Liberal party, or a large section of it, in consideration of the dismissal of four or five of the more obstructive members of the old Council and the recognition of the new principles, assented in 1840 to a coalition; being content with a very inadequate representation at the Council board, after a frank acknowledgment of their claims to a further increase as vacancies occurred. The Liberal majority in the last House sustained the Government in good faith for three sessions, not demanding that official or honorary vacancies should be made for their leaders but never anticipating that their fair claims would be overlooked or that a more equal adjustment, as to numbers, in Council, would be denied. In 1843, personal feelings and a strong difference of opinion on the subject of education (the Attorney-General supporting the denominational system of colleges or one for each sect; and the Liberals, sick of that system, going for one for the whole people), rendered a reconstruction of the Council desirable. Lord Falkland

resorted to a dissolution. The Liberals, somewhat reduced in numbers, still formed a majority of the new House. Had the Governor not interposed, they offered to and could have formed a strong Government, leaving out one or two of the old Council. He seemed desirous to retain all the old members; and although the Liberals had but three seats out of eight, they yielded to his wishes and consented to meet the new House with the Council as it stood. At this moment Lord Falkland, having obtained their adhesions, without breathing a syllable of such an intention, appointed Mr. Almon, passing over all the Liberals in both branches and giving as his reasons that he made the election because of Mr. Almon's "affinity" to the Attorney-General and to show that that gentleman possessed his confidence, and by inevitable inference that we did not. As the new appointment increased the representation of the old compact party, in the proportion of six to three, and as the reasons given for it were not only an outrage upon constitutional principles, but an insult to the minority, we remonstrated and retired. Then commenced a series of the most ludicrous events, all of which we of course are bound to charge upon Lord Falkland's advisers.

Scarcely had we withdrawn, when a letter was sent after us and published in the newspapers, charging us with attempting, by retiring and getting out of the Governor's way, to wrest the prerogative from him. This necessarily involved us in a newspaper controversy with the Governor before the House met. Though six weeks elapsed before it assembled, the vacancies were not filled; and the Governor came down with a grave denunciation of party government. Considering party government a necessary incident of a British representative system, the Liberals moved an amendment, waiving the question, but assuring the Governor that whenever he was surrounded by a Council truly reflecting the opinions of the country, it should have their confidence. After a fortnight's debate, during which members were subjected to a system of undignified personal solicitation and influence, unparalleled in this Province, the address was carried by a majority of one; two or three recreant Liberals and all the "loose fish" voting with the Government. You will perceive that the Opposition, with all the influence of Government and the Governor against them, had twenty-five votes; the administration, with three or four seats in Council and two important offices to bestow, only being able to muster twenty-six. A more palpable and glaring defeat was never suffered, and resignation was the only honourable alternative.

You will see then, that Lord Falkland's first mistake was dissolving a friendly House in which he had a clear majority; his second was asking the party who formed one-half of the new House to consent to a coalition with a representation of two to one against them, and in the face of an appointment, justified by reasons which were highly offensive; his third blunder was charging gentlemen who could not lend themselves to such an absurd arrangement, with attempting to wrest the prerogative, because they declined defending what they could not approve; and his fourth was coming down, surrounded by a party

council, to denounce party government. All this will appear ridiculous enough in Canada ; and certainly justifies old Oxenstiern's observation, that the world is sometimes governed with very little wisdom.

A proposition was subsequently made that the Governor would condescend to take back the three retired Councillors and appoint a Catholic, provided we abjured certain heretical opinions which we never entertained. The offer was courteously declined.

After waiting five weeks during which no Government measure was introduced, a Civil List Bill was brought down. This included the salaries of the Governor, the Secretary and the Attorney-General. The Government was compelled by the Opposition to abandon the whole scale. Whenever they ventured to divide, they were beaten ; yet, with the prerogative, about which they talked a great deal, thus dragging at their heels, they never abandoned their places. No other measure was produced during the whole session ; nor did they venture to fill up a vacancy, to appoint from their own side being a violation of the principle put forward in the speech, and the members of the Opposition steadily refusing all solicitation unless full and ample justice was done.

Matters went on in this way till towards the close of the session ; the leading members of the Opposition arranging the revenue bills and giving good-humoured assistance in carrying forward the business of the country. Before the House rose, a vote of want of confidence was moved, and sustained by twenty-four members, including the Speaker ; twenty-seven voting against it—one from our side, fearful of a dissolution, going with the Government. As an amendment to the vote, the following resolution, which is quite a curiosity in its way, was moved and carried :

"Resolved, That, placing implicit confidence in his Excellency the Lieutenant-Governor, this House feel satisfied that his Excellency will, as soon as circumstances permit, carry out his intentions, as declared in his opening speech, of calling to his Executive Council men representing the different interests of the country."

This is an open assault upon responsible government. You will observe that it declares implicit confidence in the Governor, not in his Council, and discharges them from all responsibility. This cunningly devised stroke at the new system is worthy of the men who now surround Lord Falkland and who ruined Sir Colin Campbell. Did you ever hear of a weak ministry in England asking for a vote of confidence in the Queen and compelling one-half of the nation to declare that they had none ?

The view taken by the Opposition of the character of this resolution, is expressed by the following one, moved by Mr. Doyle :

"Resolved, That inasmuch as the resolution reported from the committee implies that there are circumstances in the state of this Province which at present prevent the full enjoyment of the constitution, by having a Council representing the well-understood wishes of the people, and tends to sanction a

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continuance, during the recess, of the present Executive Council, in its now imperfect state, and thus in effect to suspend the constitution of the country; this House deem it the right of the people of this Province that his Excellency the Lieutenant-Governor should at all times be surrounded by a Council that will ensure to his administration such an amount of the confidence of this House as will at once impart vigour and efficiency to its measures."

The drift of Lord Falkland's letter to the ex-Councillors was to charge upon them an attempt to wrest the prerogative from him, by retiring. He subsequently published an extract from a despatch reflecting upon us. All this was felt to be rather too gross by both sides of the House, and the following curious resolution, moved by Mr. Uniacke's brother, was passed unanimously a few days before the close of the session:

"Whereas, An article was published in *The Royal Gazette* newspaper, of the 29th February, purporting to be an extract from a despatch of the Right Honourable the Colonial Secretary, as follows:

"We understand that his Excellency the Lieutenant-Governor received by the last packet a despatch from Lord Stanley, in which the Secretary of State expressed the strong approbation of Her Majesty's Government, of the course pursued by Lord Falkland in resisting the *pretensions* of Mr. Howe and his colleagues."

"And whereas, His Excellency the Lieutenant-Governor has thought it inexpedient to furnish the correspondence with the Home Government, in relation to the retirement of Messrs. Howe, Uniacke, and McNab,—

"Resolved, That these gentlemen, in retiring from the Executive Council, exercised a right which this House recognizes as a part of the constitution."

What will be thought abroad of an Executive Council allowing such a resolution as this to pass, or, being too weak to resist it, keeping their places, we need not conjecture. You will perceive then, that Lord Falkland's policy, during the last few months, has drawn forth a resolution of no confidence in his Government, sustained by twenty-four members out of fifty-one; a vote of confidence in the Governor, carried by a majority of three; and the resolution copied above, giving his Lordship a gentle rebuke for making unfounded charges and publishing extracts from despatches evidently called forth by *ex parte* representations sent from the colony. How all this may be viewed in Canada and in England, I know not; but here, one feeling of disgust pervades the mass of the constituency, who will, if this absurd state of things is suffered to continue, do justice to themselves and their friends at the next election.

The best illustration that can be given of the weakness and inefficiency of the Government, is to be found in the fact that they were unable to carry the Governor's own salary, and were afraid even to move for £5700 of arrears due to the public officers. Lord Falkland is now in this position: refusing to form a fair coalition, which he professed to desire and which was entirely practicable three months ago, he has been compelled to form a party government, which he openly denounced. At this moment, the Liberals, comprising two-thirds of the

people and one-half of the House, are excluded from all Executive influence and have been driven from the few offices they held. They do not complain of this, but will know how to follow the example set them hereafter—experience having taught them that moderation and magnanimity are thrown away upon the opposite party.

I trust these few brief observations will not only guard me from misrepresentation with respect to Canadian controversies, but enable you to judge of the real state of public affairs in this Province. One word, with respect to my former opinions, to which I have recently observed some reference in Lower Canada. I supported the French Canadians in their just demands down to the period when they commenced their armed trainings and shed blood, and then denounced the promoters of the insurrection. I was at first opposed to the Union, but became a convert after the publication of Lord Durham's report. I supported Lord Sydenham, because he acted with great decision and good faith to us here, and because I saw that in Canada responsible government would flow naturally from his principles and measures. The result has proved that I was not far wrong.

The present aspect of colonial affairs on this continent is a little cloudy, but we must not despair. The people of England have taken a century and a half, since 1688, to work out responsible government. We, even with the benefits of their experience, must not expect to enjoy the fruits of a blessing so inestimable without some years of discussion and delay and some painful sacrifices; but I have great faith in the good intentions of the Home Government and much reliance on the firmness and intelligence of our people, guided, as they will be, by the practical sagacity of their tried and experienced leaders. If we keep within the boundaries of the constitution and work together for good, a rational system will be founded in a few years that cannot be very easily disturbed.—Meanwhile, believe me, very truly yours,

JOSEPH HOWE.

In June, an interesting debate on colonial affairs occurred in the House of Commons, in the course of which Lord Stanley knocked the ground from under Lord Falkland's feet by a sentence. "He," Lord Stanley, "would not enter into the question as to whether a responsible government, by which must be meant a party government, was not the most likely to be conducive to the happiness of the people of Canada. He would not ask which was most likely to enlist in the public service, men of talent, honour, integrity and station; that principle had been fully and frankly conceded on the part of the Government here and in Canada."

In the autumn of this year, Mr. Howe attended public meetings at Wilmot, Windsor, Newport, Maitland, and at the Nine Mile River; at Parrsborough, Maccan, Amherst, Wallace, Musquodoboit, and

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other places, everywhere explaining and enforcing the principles of responsible government, laughing at the supporters of the administration wherever he met them, and carrying conviction of the value, and perfect applicability to colonial life and business, of the new system, into the hearts of his countrymen in all directions. To ride forty or fifty miles on horseback, address three meetings in a day, and attend a public dinner, or a country ball or party in the evening, were then feats of such common occurrence that his friends thought little of them. Before the year ended, it was apparent to every keen observer that the Government had lost all hold on the confidence and affections of the people. That Lord Falkland might still flounder on with his majority of one or two was possible, but that he must either quit the country or take the Liberals back into the Council with their "pretensions" considerably enlarged, he could scarcely disguise from himself.

But few of the speeches delivered by Mr. Howe in these rural excursions were ever reported or written out. He always spoke extemporaneously, and what he said was rarely preserved in any connected form; but his burning words stirred the hearts and sunk into the memories of thousands and were repeated by the yeomanry at their firesides, in their fields, and in their workshops. A few specimens of these off-hand addresses are given.

His health having been drunk at a public dinner, given to him by the people of Cumberland, he thus expressed himself:

MR. CHAIRMAN,—I should indeed be overpowered with the welcome I have received in this noble county and by the spontaneous expressions of feeling called forth by the toast and sentiments just given from the chair, if I was quite certain that the majorities who have sustained me and the gentlemen who grace this festive scene, really knew what they were about; if I was entirely satisfied that there was not some strange delusion—some grave mistake. There was a time when the yeomanry of Nova Scotia had some credit for shrewd common sense, for consistent adherence to political principles, for sagacious reflective familiarity with their own affairs. But all this it appears has passed away. A few weeks ago eight hundred of the gentry and farmers of Kings county, roused by a foolish attempt to misrepresent their opinions, rose in their majesty and respectfully informed the Lieutenant-Governor that he was misled by evil advisers and that they disapproved of the policy of his Government. His Excellency regretted that they were so ignorant of his benevolent intentions, that they did not understand his policy, that they had been misguided and deceived. A week after his own explanations of his views and feelings had been laid before the country, one thousand and seventy of the yeomanry of Hants county came forward to tell him it was not satisfac-

tory, that the opinions of the rural districts had reached him through perverted media, and that they could have no confidence in his administration whilst it was composed of the intriguing enemies of responsible government. Instead of receiving this respectful admonition with the courtesy which the weight, numbers and good intentions of the parties challenged, his Excellency was advised to say that the signatures had been surreptitiously obtained, that the people did not know what they were signing, that some of them thought it was a complimentary address and others that it was a petition about a school-house. Again, when fifteen hundred of the yeomen of Colchester, with twenty-three magistrates at their head, presented their humble but constitutional remonstrance, what was the reply? That his Excellency had been misrepresented in the "remote" districts of the Province, that the press had deceived them, that they were under a delusion and did not know what they were about. Having it on such high authority that the people of Hants and Kings and Colchester are so ignorant, are such dunderheads, how can I dismiss from my mind the suspicion that the people of Cumberland, who are still more "remote" from the great centre of intelligence and civilization, are under the same delusion, that you who surround this board, all intelligent and energetic as you appear, are overclouded with error and require to be "lectured" by the Governor.

But, sir, if you are quite certain that there is no mistake, that this is really not a meeting to build a schoolhouse or assess the township, let me return my sincere thanks for the high honour you have done me this night and for the ardent and enthusiastic welcome everywhere received. It has been said that prophets receive no honour in their own country, but I am happy that the rule does not always apply to politicians; for beyond the boundaries of my own country I have no hopes and no ambition, and the applause of all the world beside would be to me as nothing if the approbation and affectionate attachment and confidence of my own countrymen were not mine. These I believe I have, and strong in that faith, I can afford to smile at the malignity of the foes whom a consistent public walk has overwhelmed with envy or disappointment, and at the impotent attempt of one at whose hands I deserved better things to crush me by the magic of a name that others have illustrated and the weight of an authority which I devoted the prime of my manhood to strengthen and adorn. Whatever may be said of me, Mr. Chairman, this I may say of myself, that born in an humble sphere I have endeavoured to extend it; heir to no name, I have endeavoured to earn one in the paths of useful and honourable labour; and, far removed from the smile of my Sovereign, I have striven to deserve it by devoted service while in office; and while in opposition, by constitutional attempts to preserve her prerogative untarnished, by rendering its free exercise compatible with the security and happiness of her people.

But, sir, we have had enough of politics during the last few days, and I would gladly escape from their heavy atmosphere to breathe the purer air and

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abandon myself to the higher exhilaration of this festive and delightful scene. Though the intelligence and personal independence of Nova Scotians may be undervalued in high places, I see before me and around me many who fitly represent those for whom I have toiled and whose confidence I hope ever to deserve. In this county as elsewhere, I perceive that the Tory party are chiefly made up of a few of the very rich, operating upon the fears or the interests or the ignorance of the poor. The Liberal party here as elsewhere, embraces the sturdy independence and agricultural wealth of the country. It is often said by our opponents that they own Nova Scotia and that the Liberals are almost intruders upon the soil and unfit to interfere in public affairs. But is this arrogant boast founded in fact? In the whole island of Cape Breton scarcely one hundred Tories can be found, and these chiefly cluster around the villages where they live by the professions or the offices which the people are taxed to support. Who cultivate and own the soil of Cape Breton? Who own the vessels, who catch the fish, who carry on the trade? The Liberals; and the only member from the island who supports the present Government is compelled to acknowledge that his constituents differ with him in opinion. Turning to Guysborough we find that the man who came in at the head of the poll is a Liberal, and that the farmers of St. Mary's, who did not vote for him before, have come forward to tender him their independent support because of his opposition to the present Government. The county of Sydney, which contains the finest upland in the Province, is all our own; there are not a dozen Tories in it. And in Pictou we have the vast majority of those who read and speak English, including a large proportion of the most skilful and extensive proprietors, the most enterprising shipowners and wealthy merchants. Do the fifteen hundred good men and true in Colchester own no property? Yes, in that county as in Kings and Hants, those who are with us own a vast proportion of the broad acres—the real estate—the sure foundation of independent feeling and liberal sentiment. The traders and attorneys and officials, or a majority of them, may be against us, but the sturdy yeomanry, the real aristocracy are with us. The same may be said of Digby, Yarmouth and Shelburne, where but one Tory has been able to find a seat; and yet in the face of these acknowledged facts, we are told that the Liberals have no stake in Nova Scotia and that the preponderance of wealth, moral feeling and intelligence are on the other side. Why, even in the capital, with all their boasted resources, what is the true state of the case? The Tories have some very wealthy men, a good many that have accumulated property, but what then? Within the last twenty years, slowly and steadily, industrious and intelligent men, professing Liberal opinions, have raised themselves to independence and many of them to affluence. The Tories have more wealth in few hands; ours is spread over the mass and is scarcely less in amount than theirs; while in productive power, in general industry and frugality, we possess elements which in a very short time will make all the boasted hoards of the Tories kick the beam. Can the Government of this country go on and

a body like this be excluded from all influence when they own three-fourths of the territory and pay three-fourths of the taxes? It may for a time, but trust me, those who are now trying the experiment will find themselves mistaken; they may cling to office with a miserable majority of two or three obtained by petty intrigues and a Governor's personal influence, but the time is coming when the strength of parties will be fairly tried and when the Liberals of Nova Scotia will make their voices heard and cause their rights to be respected.

With such resources we can afford to look calmly on at the present state of things and patiently bide our time. Can any man doubt what must be the result of the present struggle? We might have doubted in the spring of 1840, for then our horizon was more densely clouded. But what did we see then? A Governor taught to disregard the voice of the people and involved in a series of blunders, passing away from our shores, while those who had, by their incapacity, lowered his reputation, turned to worship the rising sun, to abandon his policy, to condemn his errors and lay the blame on his own obstinacy. A similar spectacle awaits us. Is there a man who in 1841 did not see and acknowledge the anomalies and errors of Sir Colin Campbell's administration from 1836 to 1840? Will there be a man in 1846 who will not look back and sneer at the blunders committed by Lord Falkland in 1844? History is said to be "philosophy teaching by examples"; the lessons she will borrow from the history of the last twelve months must be a warning to colonial governors and politicians in all time to come. Let us run over the prominent points upon which the parties have, during that time, been brought into conflict.

Will any colonial governor hereafter dissolve a friendly House, with a majority of forty to eight obtained without any sacrifice of his personal dignity, to secure another, in which he can scarcely get his address answered, after a fortnight's debate, by a majority of one? Trust me, this great stroke of policy will never be repeated.

Think you that a stranger to legislation and to public life will ever again be elevated to both Councils over the heads of all the prominent men in the Legislature, who have been returned by constituencies, and who have established claims to regard by their patriotism and experience? Think you that such an appointment will ever be justified by the flimsy excuse that the recipient of the honour is another man's relation?

Will any Governor of Nova Scotia in all time to come ever be advised to lecture in the newspapers, three gentlemen who retire from his Council, and accuse them of wresting his prerogative from him because they will not defend what is wrong? This administrative absurdity is already too transparent; our powers of face are not sufficient to enable us to wait till the Governor's back is turned to laugh this poor violation of the proprieties off the stage.

Again, take the question of party government, which Lord Stanley says and all men feel is the natural fruit of responsible government. Who will

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come down and deny to the people of Nova Scotia this portion of their birth-right in future? The answer is plain. The very discussion which the Governor's impolitic denunciation has produced has settled the question; it is already decided. The Liberals will have party government or ample justice; and the Tories can form no other. Lord Falkland has done more to advance the development of this principle by his impolitic attempt to retard it, than all the agitators in Nova Scotia could have done in ten times the number of years. Our right to this possession has been established by the attempt of the stewards to destroy our title-deeds.

But the crowning absurdity of the whole is that designed for my especial benefit. The Sovereign in England dare not point to an Englishman and declare that that man shall not be elevated to the Cabinet. If advised to commit so flagrant a violation of private rights and of the constitution, all England would rise *en masse* and bear the individual thus assailed into the Government with a triumphant majority to sustain him. Lord Falkland has done that which the constitution gives him no right to do; which the free spirit of this country will resist; which no one of his supporters can justify before the constituencies he represents, when the consequences involved in this un-English proscription come to be clearly explained. And clearly explained they shall be. This is not a question between his Lordship and me; it is one to be settled between those who sanction it and the people of Nova Scotia; and I will take care that its bearings are understood in every town and village in the Province. For myself, I care not; but I will resist this invasion of the rights of Nova Scotians with all the little energy and ability which God has given me. I may be smitten down, but a moral and an example shall spring out of the conflict which will for ever settle the question. If I can be proscribed to-day for defending myself and my friends in the newspapers, another Nova Scotian may be rejected to-morrow because the Governor likes not the colour of his hair. If unjust accusation, unjustifiable abuse and ultimate proscription, are to follow those who retire from a Governor's Council, because they cannot defend his policy, who will retire? Who will run the hazard? No other man in our day, and responsible government will be a cheat and a delusion. Every Nova Scotian will hold his public position, not by honourable service to his country; not by the treasured experience of a useful life; not by public confidence, and the "well-understood wishes of the people," but by the frail tenure of a single stranger's caprice or the unbridled impulses of any governor, who does not understand, or has the enterprise to violate, the plainest principles of the British Constitution. I may be struck down by this bolt to-day, but if so, who shall guard Huntington or Uniacke or Young to-morrow? William the Fourth could forget the withering sarcasm of Brougham, and the fact is remembered to his honour. Lord Falkland may not forget the bold self-defence of a man, whose feelings he and his paid minions had outraged; but while he seeks for weapons to destroy me beyond the pale, I take my stand within the boundaries of the constitution, and I

have an abiding faith in the intelligence of the people and in the justice of my Sovereign.

“While he shakes his lightnings o’er my head,
I smile, to think I have no master
Save his own.”

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George the Second liked not the great Earl Chatham, and he was deprived of his military commission, and twice, previous to 1757, he was driven from office. But the people of England loved, confided in and sustained him. He was borne on their suffrages at the head of a triumphant majority, into the councils of his Sovereign, against his will, at a time when disgrace rested on our arms, when the finances were disordered and when the petty intrigues of German minions sealed the fate of inferior politicians. In four short years, the energies of one indomitable spirit, of one capacious mind, proscribed at court, but honoured by the nation, elevated the British name to the highest point of influence and covered our annals with glory. The fleets and armies of England triumphed wherever they appeared; commerce flourished; great principles were evolved, and Queen Victoria owes the sovereignty of the spot on which we stand and all her North American possessions, to a minister disliked at court, but enshrined in the hearts of the people. Far be it from me to aspire to a corresponding position in Nova Scotia; to a destiny so conspicuous even on a stage so humble. If I resemble this great man at all, it is only in the folly of opponents whose blunders have provoked the illustration. But pardon me, Mr. Chairman; I did not intend to have stayed the wine-cup so long or to have trespassed upon your patience with these topics. I ought perhaps to have given vent to feelings of a different kind, evoked by the beautiful scenes over which I have passed of late and the friendly attentions I have received. I came to Cumberland almost a stranger; some portions of it I have not seen for ten, others not for fifteen years; but I shall go home with a lively sense of its great natural and industrial resources, and often, amidst the toils and trials of public life, shall turn back to the happy firesides where I have marked the social virtues of the people of Cumberland; and refresh my spirit with the remembrance of this festive scene, where I have found myself, however the distinction may have been undeserved, a welcome and an honoured guest.

At a meeting in Hants he said:

God, in His infinite Providence, scatters over every country the intellect required to develop its resources, administer its affairs, and secure to its inhabitants that measure of happiness which they are fitted to enjoy. But God is no respecter of persons; the blessings He bestows are common blessings in which all have an interest and in the enjoyment of which the humblest of His creatures may be permitted the most largely to participate. The river, which sparkles along the vale, stops not to inquire whether the fields it refreshes or the hearts it gladdens belongs to the rich or to the poor. The flower sheds as sweet a perfume in the widow’s scanty garden as in the

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marble-railed parterre. So is it with that sacred fire which men call genius, that quickening principle that animates and governs human society. A castle may frown upon a cliff overlooking half a county; the lord of that vast domain may revel in every luxury which can pamper the senses or stimulate to a wide range of intellectual activity; the armed retainers may tread the massive wall or make the courtyard a mimic school of war; the wise and the brilliant may stroll 'neath old ancestral trees or enliven the festal hall with the flashes of wit and the hoarded treasures of experience; a long line of sages and warriors, looking down from the walls of that stately pile, may lure to elevated thought and high achievement, and yet the children born within that castle, thus furnished and endowed, may scarcely possess enough of intellect to fold sheep upon the hills. But far down in the valley, beneath the shadow of that castle, the peasant's cot may offer to its inmates a scant return for unremitting toil; and yet from the loins of that poor peasant may spring the youth whose ardent soul, fired by divine inspiration, may point to noblest aims and achieve the highest triumphs. Art may to him seem instinct; senates may hang delighted upon his accents or armies read the presage of victory in his eye. The constitution of England wisely adapts itself to the arrangements of Providence; it draws from the humblest as from the highest ranks of life the talent which the nation produces and enlists it in the service of the state. Public departments are regarded as public trusts, to which all may aspire, and with the honours and influence and emoluments of which a wise Sovereign and a grateful people may stimulate to exertion, and invest patriotic enterprise with a national character and crown it with a national reward. The "stately halls" of England send forth to the public arenas the most aspiring and energetic spirits they produce; but, when there, the scions of aristocracy must wrestle with the talent reared in her "cottage homes," disciplined in her workshops; rising, it may be, from the lowest form of the charity school or the darkest recesses of the mine. From such a constitution as this

"Our country's grandeur springs,
That makes her loved at home, revered abroad."

Canning's mother was an actress; Pitt was a cornet of hussars; Brougham commenced life in a Scotch garret; Sydenham in the counting-house; Peel's father was a cotton-spinner. The biographical history of our country is rich in such names, and furnishes on every page its animating commentary on the free spirit of our constitution. Had public departments descended from father to son, as they did here until recently; had they been held for life, as our opponents desire now, would it have been so rich? Would these glorious illustrations have been so numerous? Under the one system public spirit would have died, under the other it would have languished. Make public offices heirlooms, and the intellect which should be found in the service of the Government is at once arrayed against it; give men life tenures, and one generation must pass away before the ambitious have anything to aspire to, or a nation anything to bestow.

CHAPTER XI

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The agitation in New Brunswick—Lord Falkland's despatch of August 1844—Mr. Howe's speech thereon—Mr. Uniacke's resolutions condemning despatch—Mr. Howe's speech on the resolutions—"The Lord of the Bed-chamber"—Mr. Howe's general reply—Statement in regard to the "Letters of a Constitutionalist"—Mr. Uniacke's resolutions defeated—Mr. Howe's removal to Musquodoboit—Address from Reformers of Kings county—Speech in reply—Lecture on Eloquence—Address to Germans of Lunenburg—Mass meeting in Halifax—Resolution of confidence in Mr. Howe—Departure of Lord Metcalfe.

AN event occurred in New Brunswick about the beginning of 1845 which gave an unexpected impulse to the cause of responsible government in that Province. The leading men of all parties having been drawn into the Executive Council, and there being nothing particularly to complain of in the administration of affairs, there was no desire, as perhaps there was no immediate necessity, for any practical exhibition of the power which the people possessed under the new constitution that had been evidently conferred by Lord John Russell's despatches, and which Sir John Harvey had recognized and announced in his circular memorandum. The Reformers of Nova Scotia were not unfrequently taunted with the quiescent condition of New Brunswick and the apparent indisposition of the people of that Province, while enjoying the blessing of good government, to waste their time with political theories and disputes as did the people of Nova Scotia. "I am alone responsible, and my Council are responsible to me," was Lord Falkland's leading idea, and it was assumed that all the public men in New Brunswick conceded to Sir William Colebrooke the plenary powers which his Lordship claimed. Sir William evidently thought so, for the Provincial secretaryship becoming vacant, he bestowed that office upon his son-in-law, Mr. Alfred Reade, a gentleman who had only been a few months in the Province, who was a stranger to its people, and who had never represented a constituency or earned promotion by any public service. This absurd appointment of a transient person over the heads of all the members of both Houses of Parliament was

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made, as it afterwards appeared and was reported to the Colonial Office, without the members of the Executive Council being consulted. Four of the most popular and influential of them resigned and refused to defend it, and in that hour responsible government grew into almost universal favour, and was recognized as the "cheap defence" of the Province against all such extravagances in the time to come. Mr. Wilmot, in his letter of remonstrance addressed to Sir William Colebrooke, boldly asserted the principles for which the Reformers of Nova Scotia had battled so earnestly and so long.

Mr. Charles Simonds and three other gentlemen retained office, defended the appointment, and Mr. Simonds denounced responsible government as inapplicable to colonial life and administration. Two parties were thus formed and the issue was fairly raised. Before the close of the session the appointment of Mr. Reade was cancelled; the Colonial Secretary's disapproval of it having been formally communicated to Sir William.

The legislative session in Nova Scotia was opened on 1st February and was a very stormy one. In his speech from the throne Lord Falkland said: "I shall take an early opportunity of acquainting you with the efforts I have made to justify *the confidence you expressed in me* by your resolution of the 12th of April last."

On the 7th of February the papers connected with the negotiations of the previous year were laid before the House. They included the letter addressed by Lord Falkland to Mr. Dodd on the 24th of February, with his answer, but did not include the answer of the retired Councillors, which will be found in Mr. Howe's speech of the 13th February, given later in this chapter.

In July 1844 a circular had been addressed by the Provincial Secretary to Messrs. Uniacke, McNab, Huntington, George Brennan, and B. Smith, in which they were invited to accept seats in the Council, and informed that his Lordship found it impossible for him to include Mr. Howe in the proposed arrangement. With these papers a despatch from Lord Falkland to the Colonial Secretary was also laid on the table, which is given at large, as without it it would be impossible to understand the speeches that are to follow:

GOVERNMENT HOUSE, HALIFAX, 2nd August, 1844.

MY LORD,—In my private letter of the 2nd ultimo, I announced to you my intention shortly to make another effort to induce the leaders of the Opposition in the Assembly of Nova Scotia (with the exception of Mr. Joseph Howe) to lend their aid to the Provincial administration.

In endeavouring to carry out this design, I availed myself of the permission kindly accorded to me by your Lordship to augment the number of the Executive Council to twelve in case of necessity, and I offered seats at the board to Messrs. McNab, Huntington, J. B. Uniacke and two Catholic gentlemen, Messrs. Tobin and Brennan, thus placing *five seats* and the office of Solicitor-General at the disposal of those who style themselves the Liberal party, and the sixth I offered to Mr. Benjamin Smith, an old and much respected member of the House. I included Mr. Smith, not only because he is well qualified to perform the duties of an Executive Councillor, but in order to sustain the principle which I have always asserted that no party is entitled to numerical representation at the Council board in exact proportion to its force in the Assembly. My offer was declined by Messrs. Huntington and McNab, but it was intimated to me through Mr. Dodd, a member of the Government, that the Opposition were ready for the exclusion of Mr. Joseph Howe, if I would consent to the formation of a Council of nine, provided it could be effected; and that if I would permit the Attorney-General to hold a conference with Mr. J. B. Uniacke (who with Messrs. Brennan and Tobin had as yet given no definite answer to my overture), to endeavour to arrange the details, those who had refused the terms proffered in the first instance would be willing to reconsider their resolution.

I acceded to his proposition, and the Attorney-General informed Mr. Uniacke that I had done so, when the latter gentleman, after further communication with his friends, stated that a portion of them withdrew the confidence that had been accorded to him and objected to support the Government if Mr. Howe were shut out from the Council table. Messrs. Uniacke, Brennan and Tobin, the latter gentleman in a personal interview, then gave their refusals, as did Mr. Smith, who behaved in the handsomest manner and rejected the seat solely from a fear of involving the Government in embarrassment were he to become a member of it at this particular juncture; Mr. Uniacke doing the same, because he felt that if he accepted it alone he could bring me no efficient support, but must abandon his party and by acting independently divest himself of all political influence in the Assembly. The reasons assigned by the other gentlemen to whom my proposition was addressed, will be found in their letters, copies of which, as well as those of Messrs. Uniacke and Smith, I herewith transmit. Mr. Tobin verbally informed me that he could not accept office unless in conjunction with his friends, and the negotiation was finally broken off, because I felt it impossible to co-operate with one of the leaders of the elective branch of the Legislature.

I have reason to *know* that a great proportion of the Opposition look on the demand that I *shall* receive Mr. Howe as unreasonable, but are unwilling to separate themselves from those with whom they had lately acted; and I have the satisfaction of being able to state that it has become evident, within the last fortnight, that the Government has acquired additional firmness and stability in the Assembly, while the Opposition has manifestly lost in those respects, and

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having no acknowledged leader in the House (where, I believe, as well as in the country, Mr. Howe's influence is greatly diminished), exhibit a want of concert and determinate action.

In the country also the Government is, I think, gradually gaining strength and the spirit of party fast declining among the more moderate and well-thinking of that portion of the people who have sided with the Opposition; and having redeemed my promise to endeavour to effect a coalition by every honourable means in my power, I have every reason for believing that by continuing to conduct the Government on principles of fairness and moderation, I shall, if I remain in the Province, be able to administer the public affairs successfully during the next session, though with not a large majority.

I have already acquainted your Lordship with my determination with respect to Mr. Howe and the reasons that have led to it. His conduct has rendered it impossible for me to offer him a seat at any board at which I preside, because the mere fact of his being restored to his former position, after having publicly and grossly insulted the Queen's representative, and restored, moreover, by the very officer so outraged, would, in my belief, degrade the office I hold in the estimation of the community and make Mr. Joseph Howe, *de facto*, Governor of Nova Scotia. I am aware that as a mere matter of political expediency this *may* be viewed in a different light; that it *may* be thought I can consistently with the dignity of my position, recall Mr. Howe to the Council board; that my doing so would neither lower myself *now*, nor the office I fill hereafter, in the public estimation; that Mr. Howe's readmission to the Government would not be recognized as a legitimate mode of opposition; the personal insults which he has, in his capacity as a journalist, heaped on the representative of his Queen; in short, that I ought, for the sake of forming a strong Government, to yield the point, or that even if I am right as regards my individual position, it would, under all the circumstances, be desirable that I should retire from my post and make way for some one to whom Mr. Howe would not be obnoxious.

Should your Lordship, after reading what I have written, deem such a step likely to promote public tranquillity, and should you not participate in the persuasion with which I am deeply imbued, that it would in all probability have an opposite tendency, and that even were it to be attended with a momentary appearance of harmony, that appearance would not only be purchased at the sacrifice of the dignity and respectability of the *future* Lieutenant-Governor, but prove in itself delusive, I need not entreat you to allow no considerations having reference to myself alone, to induce you to defer naming my successor; for I shall in such case feel that my opinion ought not to influence and will not influence your Lordship, when opposed to your own convictions. If, however, your Lordship should think I have acted as became me under the difficulties in which I have been placed, and that my retirement at this period would not be likely to contribute to the tranquillity of the Province, because it might give a temporary triumph to those principles against

which I have thought it my duty to contend, and would certainly mortify and irritate the large and influential classes by whom I am supported, and thus increase discord, I venture to hope that you will give me the advantage of an expression of that opinion.

It is from no sense of weakness either in Parliament or in the country, that I am induced to address your Lordship on this occasion; but as a junction of parties, for many reasons so desirable, has been prevented by considerations involving so much of a personal nature, and reduce the question to a mere contest between myself and a political leader in the Province which I govern, I feel it right that you should have an opportunity of pronouncing a judgment on the course I have pursued under circumstances so painful, and of counteracting without delay the evil consequences which may result from my conduct if I have fallen into error.—I have, &c., (Signed) FALKLAND.

Mr. Howe, on February 5th, said:

I have not read all the papers sent down by the Lieutenant-Governor, but I have heard enough to enable me to judge of their general tenor, and to satisfy me that the course taken by Lord Falkland will never be imitated by any colonial governor, certainly not by any wise one. To expose to the general eye the confidential negotiations for the formation of Government was most unusual, but to misrepresent the nature of those negotiations, for the purpose of wounding personal feelings or misleading the Colonial Secretary, was a violation not only of duty, but of all the decencies of official life. The despatch from Lord Falkland to Lord Stanley, a main assertion in which the gentleman beside me has here publicly disproved, clearly indicated the nature of other despatches which the Government have declined to communicate and of those "private" letters by which no doubt the Colonial Office has been equally misled. As my name has been handled so freely in those documents, though unwilling to anticipate, I must trouble the House with a few words of explanation. So far from ever having pressed my claims to distinction upon the party with which I act, upon this House, or on Her Majesty's Government, I repeatedly declined seats in Council, before accepting one. When that was offered, I would willingly have stepped aside that others might have been provided for. Having gone in, I laboured for three years to strengthen the Government of which I was a member; for many weeks after we were compelled to retire, but one feeling actuated Mr. Uniacke, Mr. McNab and myself; we cared not for our personal claims or seats or offices, we had but one thought only, that of the interests of the country and of how we should rescue the Lieutenant-Governor from the difficulties by which, we already saw, he was and would be surrounded. Before the House met and shortly after Mr. Dodd came to town, Mr. McNab offered to yield his seat, provided one gentleman would retire from the opposite side, leaving the Conservatives five seats and the Opposition but four. This was refused. A satisfactory arrangement on

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something like this basis might have been had, when our seats were tendered in February. It was again declined. Actuated by generous and kindly feelings, which prompted me to save the Lieutenant-Governor, at every sacrifice, I subsequently sought to do an act which the Liberal party might or might not have approved, to bring about a compromise at the sacrifice of my own claims to office and honour; but while my friends and I were labouring with but one single object, very different feelings were at work on the other side; and all our moderation was attributed to weakness, all our efforts were turned against us in a spirit of detraction or intrigue. When this impression was confirmed by evidence I could not doubt; when an extract from a despatch conveying an imputation which the House by a unanimous vote subsequently wiped away, appeared in *The Gazette*; when personal insults were offered by the Lieutenant-Governor to myself and other members of the Liberal party; when slander and defamation, intended to break down our public characters, and lampoons aimed at our personal feelings, had been published for months by a paid officer of Lord Falkland's Government, I should have been less or more than a man if I did not resent such a return for all our past conduct, for all our recent solicitude. The gentlemen who sit around me know that when I returned to the press in May, I had no personal interest or feeling in the matter, but did so at their desire and for their protection; that their position might be defended, their arguments fairly stated, slanders refuted, and the lampoons which had been heaped upon them thrown back upon the enemy. This duty I have performed with the little ability wherewith Providence has blessed me; and if in the discharge of it, offence has been given, those who gave the provocation, who rejected all fair terms, who aroused personal feelings and created personal quarrels, have themselves to blame. That my friends and colleagues ever consented to sacrifice or abandon me for thus defending them may be believed at the Colonial Office, on the assertion of an officer bound by every honourable consideration to tell the truth; but it has been flatly denied here and will not be believed by ten men who know those gentlemen from one end of the Province to the other. This and other misstatements may have made an impression at the Colonial Office for the moment, but I have no fears of forfeiting Lord Stanley's good opinion, when all the facts are put before him, and before I am many years older he shall, if God spares my life, have the means of judging fairly between Lord Falkland and Joseph Howe.

On the 12th of February, attention was turned to the state of the Province and of the administration, by Mr. J. B. Uniacke, who moved at the close of an eloquent speech these resolutions, which were seconded by Mr. Huntington:

1. *Resolved*, That in the opinion of this House it was impossible for the gentlemen who retired from the Executive Council in December 1843 to have retained their places without forfeiting the confidence of their friends in the

Assembly and of a large and influential body throughout the country without whose support they could have given no real strength to the Government.

2. *Resolved*, That when on the 24th of February those gentlemen were invited to resume their seats, the terms offered and the stipulations demanded justified the rejection of the proposal.

3. *Resolved*, That the propositions made to several gentlemen to enter the Executive Council in July last were quite as objectionable as those before made, and therefore their rejection was equally justified.

4. *Resolved*, That the communication by his Excellency the Lieutenant-Governor to this House of the correspondence and despatches relating to the offer of certain seats in the Executive Council appears at variance with sound policy, unless with the assent of the parties interested therein; and, if established as a precedent, will tend to destroy the confidence indispensable to any future negotiation for the formation of a Government in this Province.

5. *Resolved*, That the statement in the foregoing despatch of an agreement by the Opposition in the House to the exclusion of Mr. Howe from the Executive Council is founded on misapprehension of the facts, although that gentleman had generously offered to waive his claim, to facilitate a satisfactory arrangement, providing corresponding concessions were made on the part of the Government; and the impression conveyed by the language and tenor of the despatch, both as to the personal influence of Mr. Howe and the position and views of the Opposition in this Province, tends to mislead the Colonial Secretary and Her Majesty's Government.

6. *Resolved*, That the principles recognized by the imperial authorities for the constitutional administration of the Government of British North America, place the representative of the Sovereign above the strife of party and contemplate on his part in the management of their affairs the absence of all personal predilection or hostility in relation to public men; and this House cannot but express their deep regret that his Excellency the Lieutenant-Governor should have been advised to pursue on the present occasion a course tending to embarrass their deliberations, by questions purely of a personal nature, arising from a contest avowedly between his Excellency and a popular leader.

7. *Resolved*, That this House desires to see the Lieutenant-Governor surrounded by a full Council, possessing the confidence of the people and of each other, who can command a Parliamentary majority, and thus be prepared to introduce practical measures to advance the general interests of the country.

A debate followed, which extended over thirteen days. The course taken by Lord Falkland in proscribing Mr. Howe, mixing up his name with negotiations to which he was not a party, and communicating to Parliament a despatch in which that gentleman was stigmatized, and his influence entirely misrepresented, rendered the whole discussion somewhat personal and irregular.

Two speeches were delivered by Mr. Howe in the course of this

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debate. The skill and ability in them will not be questioned. Those who would try them by the severe standard of English Parliamentary speaking should remember the peculiar circumstances in which he was placed and how completely all the securities and guards of public life had been broken down. The Attorney-General, Mr. Johnston, having, in a speech of three hours, defended the Government and assailed the Opposition, Mr. Howe, on February 13th, spoke as follows :

MR. CHAIRMAN,—After the elaborate and extraordinary speech delivered yesterday by the Attorney-General, the committee will expect from me a prompt and full reply ; and I rise to discharge that duty, which I owe to myself, to this House and to the country. Before the members can deal with the principles embodied in the resolutions upon the table, the mass of personal matters thrown before them by the Lieutenant-Governor and his chief adviser must be swept out of the way. In addressing myself to these, in the first place, the committee will bear in mind that while my assailants have had months to prepare the accusation, I have had but a single night to arrange the defence.

When a few days ago I found myself denounced and proscribed in the documents sent down by the Lieutenant-Governor, I felt like a traveller overtaken by a storm ; who with the thunder rolling above his head, the lightning flashing in his eye, finding the earth trembling beneath his feet, pauses to reflect why the gods should be angry with him. For a moment he is staggered ; but looking into his own breast, where all is peace and sunshine, he views the storm with indifference, conscious that, however foul the vapours that surround him, the rattling of the elements will but purify the air and ensure health and safety when their fury is exhausted. When the Attorney-General rose here yesterday and, with all the malignity of a personal foe, all the practised wiles of an experienced advocate, and all the influence of the Government, sought to overwhelm me, I would have doubted the security of my position, but that I remembered that when the Jewish lawyer Tertullus, with the same insidious art, and the same pure intentions, accused the Apostle before Felix, Paul put him to shame by a simple narrative remarkable only for its truth ; that Othello, when accused by an intemperate and enraged man, before the Venetian Senate, of “spells and mighty magic,” told even in that august presence, his own “round, unvarnished tale,” and turned his accuser out of court. It is thus that I shall endeavour, sir, to meet and to discomfit my assailants. They have all the advantages which preparation, patronage and authority give them. I have only the answer of a good conscience and the humble abilities wherewith Providence has endowed me—but I confidently rely on the goodness of my cause and on the irresistible power of truth.

Sir, a person less familiar than I am with the past history of this Province, finding himself formally denounced by the Lieutenant-Governor, would probably sink under what might appear at first the startling novelty of the accusation ;

but, relying upon the integrity and consistency of my past conduct, I am also reminded that this is an old stale trick, often resorted to in former times, by men of small minds whose monopoly of power could only be preserved by fomenting personal quarrels between their Queen's representative and some prominent individual, respected by the Legislature and confided in by the people. This was the favourite game of a small party in Halifax, when Sir John Wentworth was brought into contact with Mr. Tonge; when Mr. Robie was brought into collision with Lord Dalhousie. We smile at these things now but cannot forget them. His Lordship sleeps in an honoured grave in his native country and Mr. Robie has long presided over the Legislative Council; it may be to countenance, if he cannot approve of, the same petty policy which he had to encounter in early life. Again, sir, in the time of Sir Peregrine Maitland, Mr. Archibald, the present Master of the Rolls, stood in the way of certain parties; personal slights and accusations became again the order of the day, and that gentleman, then and now enjoying the highest reputation for professional and political talents, had to make two voyages to England to counteract at home the crimimatory accusations sent from this country. The men, sir, who have advised Lord Falkland to proscribe and to denounce me, are the same men who, in Sir Colin Campbell's time, sent home charges of republicanism and disaffection against my friend, the member for Yarmouth (Mr. Huntington), than whom there is not in this Province a person more generally respected by the people. It is true that none of these persons were connected with the press, and therefore there may have been some difference in the mode of procedure; but the spirit, the animus, was the same; and my countrymen, turning back to the past, will be more disposed to laugh this stale trick off the stage than to despair of the fortunes of an old friend.

The feature which mainly distinguishes the policy of the Opposition in Nova Scotia from that of the gentlemen who now surround his Excellency, is this: we hold that the Queen's representative, responsible to the Colonial Secretary for the due maintenance of the prerogative, for our obedience to imperial laws, and for the good government of the country, should yet be held so far above the strife and conflict of party as to seek only the general good, regardless of likes and dislikes, of personal enmities or predilections. Thus holding a high position, with the balance of parties in his hand, a just and wise Governor would be powerful for all good purposes and would find Nova Scotians but too happy to rally round and to aid him, when appealed to, against factions on either side. Our opponents, on the other hand, charging upon us an exaggerated application of the principle that the Governor can do no wrong, which we deny, are never so happy as when they can prove him capable of wrong-doing by involving him in personal conflicts with which he has nothing to do and driving him into the meshes of their own party, by a course of insult or proscription of those whom by no constitutional weapon could they overpower.

The distinction was never more happily or unhappily illustrated than by

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the question raised in these despatches and by the style of oratory by which we were yesterday entertained. When I look at the nature of the charges exhibited and at the mass of rubbish through which I am compelled to wade in order to meet them, I cannot but forget for the moment all sense of injury, and lament that my Sovereign's representative has been brought here before the assembled Parliament to accuse an individual of writing in the newspapers and to peril his public character on the point of a pasquinade or the severity of a lampoon. Sir, though this may be an old colonial ruse, I search in vain for any parallel in the history of the mother country. When I turn from the sorry spectacle which the representative of my Sovereign is made to exhibit in this arena, with his Attorney-General, instead of bringing us a good measure, coming down with an indictment against a joke; to the position which he occupied, when, only fifteen months ago, the humble individual now assailed shared his confidence and stood by his side, I cannot but mourn over the folly of his advisers. Then he was the honoured Governor of all Nova Scotia; opposition, if strong enough for watchfulness, was powerless to obstruct; and no man or body of men trammelled his freedom of action, or could extract the humiliating confession that he could not fill up his Council or carry out the policy to which he was pledged. Who then heard of public offices left vacant for many months; two sessions passed without a single measure; seats in Council going begging for a year; propositions to go back to the old Council of Twelve, to buy up the leaders of the Opposition, and grave despatches and speeches founded upon a pasquinade? Sir, when I look back upon the past and address myself to the labours of this day in self-defence, I would gladly blot out this disgraceful page from our Provincial history.

I confess I know not how to meet this singular attack with becoming gravity. Horne Tooke commences one of his letters with "Tragedy, Comedy, and Farce; Wilkes, Foote, and Junius, all on one poor parson, are fearful odds." And surely, I may say, a Governor, an Attorney-General, and all their adherents upon one poor printer, are fearful odds; but as Tooke was a match for his foes, I hope I shall be able to give a good account of mine. I trust I shall be able to show that I bore with exemplary patience much undeserved provocation; that while I was for months only intent on serving and extricating Lord Falkland from his embarrassments, a very different spirit was active on the other side; and that when, for the defence of my principles and my friends, I took up my pen on the 6th of May, it was not till the officers of his Government and his intimate associates had showered lampoons and libels on me for more than four months. If I can prove all this; nay more, if I can prove that each several passage of which Lord Falkland complains, subsequent to the 6th of May, was called forth by some gross slander or irritating squib published at the time in a paper owned and edited by the Queen's printer, then, whatever may be the judgment of this Assembly, where power and patronage may secure a small majority, I know what must be the ultimate decision of my countrymen and of Her Majesty's Government.

After serving Lord Falkland faithfully for three years and a half, during all which time his administration was successful and supported by powerful majorities in this House, my friends and myself retired simply because we could not defend what we believed to be an impolitic, and knew would be an unpopular, appointment to the Executive Council. We had no theoretical disputes about general principles; no personal complaint to charge upon his Lordship. We parted as gentlemen should part—we, disposed to remember only what had been pleasant in our intercourse; and his Lordship assuring us “that he would take care that our motives were not misrepresented.” This was in December. Hardly had we retired, when his Lordship addressed a letter to us and published it in the newspapers, in which he more than insinuated that we, who had served him faithfully, retired courteously, on a single fact, had forced party government on him, when we had all consented to remain in a coalition; and had attempted to wrest the prerogative out of his hands, when we had ever admitted and defended its firm and independent exercise. Nothing could be more unjust than those two implied accusations; nothing could have been more impolitic than their publication. His Lordship himself thus sounded the keynote of defamation and others were not slow to swell the strain. Every old Tory merchant or official, with one foot in the grave, was suddenly galvanized by this shock from the Executive battery; every aspirant to office, whose claims a just Government might have overlooked, nibbed his pen, and dashed into the press; and his Lordship’s own personal attendants and dependants were the first to aim deadly blows at the characters of men as loyal and as observant of the just boundaries of the constitution as any scion of his line.

I defy the Attorney-General to put his hand upon an article written by me against Lord Falkland, earlier than the 6th of May. But who gave ample provocation four months before? As early as the 28th of December, a person who had long been a sort of upper servant about Government House commenced the war in a New York paper under the signature of “Scrutator.” This person, well known as a friend and confidant of the Governor, has often given the people of New York the benefit of state secrets that ought to have been known only to the Governor and his sworn Councillors, before they were revealed in the Province which they most concerned. Let us take up the December letter, evidently written for circulation in Canada, that it might meet the Governor-General’s eye, and filled with misrepresentation of our conduct and positions. As a specimen of the historical accuracy of this household scribbler, let me take one or two passages. On the arrival of Lord Falkland he says: “Negotiations were opened with Mr. Howe and other leading Reformers and with the heads of the Conservative party; and at length, by the exercise of commendable forbearance and by mutual concessions, a Provincial administration was formed of the leading gentlemen of both parties in about equal numbers.” The drift of all this is to show that great skill was displayed by his Lordship in forming the Council which carried him through from 1840 to 1843, when it was formed

for him by Lord Sydenham ; and as far as I was concerned, he brought out the Queen's command in his pocket to place me in the Council. So far from the numbers being about equal, "Scrutator" suppresses the fact that the Liberals, though forming a majority in the House, never had more than three seats in Council out of ten from the time they entered till they were driven forth by a reckless attempt to increase and perpetuate the disproportion. Again, the Governor's physician, wishing to throw the blame of all the differences between members of Council upon me, attributes to me a series of letters, under the signature of "A Constitutionalist," and states that in one of these a reference was made to the debt due for publishing *The Christian Messenger*, which was the origin of all the troubles. There is not one word of truth in this ; no such reference occurs in those letters ; and whatever appears in them, Lord Falkland and his agents should be the last to complain. But I turn now to a passage so meanly false, yet so defamatory, that coming from such a quarter, it would, under all the circumstances, have justified prompt and unsparing retaliation. After referring to the sale of *The Nova Scotian* by me and to the pecuniary interest which I still had in the establishment, "Scrutator" says :

"It appears that *The Nova Scotian* lost much by this change, and its character and circulation fell off when the public missed the clever articles which were wont to fill its columns. Under these circumstances the *ci-devant* editor bethought him, I think in an evil hour, of trying to restore its prosperity and to hit hard his political enemies at the same time, by infusing some of the former spirit and pungency into the pages of the journal ; and sooth to say, no measured portion of bitterness also. This was done by the insertion of a series of letters under the signature of 'Constitutionalist,' which, although never acknowledged by Mr. Howe, left no doubt of their authorship in the minds of those acquainted with his style."

The committee will observe that here is the Governor's peculiar scribe, his confidant, the man who in June sends to New York revelations of state policy only given to us in July, charging upon me the authorship of those letters ; attributing their preparation to mean, mercenary motives ; and to me the crime of having destroyed a Government in an attempt to renovate a declining newspaper. Sir, I bore this foul and most ungrateful accusation for months, before I wrote one line in retaliation. I have borne it twelve months, while Lord Falkland and his agents have been defaming me here and in England. I must now, however, avail myself of the usual Parliamentary permission, and show to the House what was the real origin of "A Constitutionalist's Letters." Whether I did or did not write them is beside the question. When "Scrutator" and his friends throw aside their disguises, it will be time enough to confess my sins. But what was the origin of those letters ? From 1840, when Lord Falkland arrived in this country, to the summer of 1842, the exclusively loyal people, who are now his very particular friends, had attacked himself, his family and his administration. His lady was coarsely assailed ; he was accused of sending his servants to a concert to insult the society of Halifax ; and his

secretary was taunted with robbing a pawnbroker's shop to replenish his wardrobe. I regret that I have not the worst of these papers at hand. An extract or two will serve as specimens of the whole. Lord Falkland is described "as a Whig deputy of Lord John Russell, whom a Conservative colonial minister is most unaccountably permitting to endanger the very existence of the affection of the Conservatives of Nova Scotia to the Government of the Queen." "The most respectable portion of the society of this colony are required by a Whig Governor to submit to every species of annoyance and degradation." "Surely, Sir Robert Peel and Lord Stanley cannot think it wise to allow a Whig Governor to destroy the peace and ultimately stifle the loyalty of this once happy colony." This was written by the no-party men, of a coalition, in which the Liberals had but a faint representation. His Lordship is styled "a Whig taskmaster;" and those who boast of the addresses he received last summer will find great comfort in the following passage: "As to the addresses to Lord Falkland, they must be viewed as a mere matter of moonshine, since there are lunatics and irresponsibles enough in every village to get up an address to Old Scratch himself." A correspondent in the same paper says: "Such conduct on the part of Her Majesty's representative has ceased to excite surprise here, as it is quite notorious that his Lordship has determined to blot the sword of truth and the scales of justice from the escutcheon of his Government and to be guided solely by party feeling and prejudice." Thus wrote the party now in power, of the man they are sustaining in a vain attempt to crush an enemy for a political lampoon. This was the style of remonstrance against an administration that, sustained by a Liberal majority, had but three Liberals in the Council. But hear what was said of the Count de Barruel, the Governor's secretary, a gentleman of classical attainments, polished manners, and guarded circumspection:

"I have seen *the* Count since his return from his tour to the *West*. You would not know him if he goes your way by my former description of his habiliments. His late visit to the clothes-shop has changed his outward man altogether entirely, as Pat says; but you will still recognize him by the swagger which I endeavoured to describe on a former occasion."

All these passages are from a single paper. I could pile up as many, breathing the same spirit and evincing the same delicacy, as would weigh down a fifty-six. Thus it was that the loyal men, who are my denouncers, spoke of a nobleman around whose brow the royal halo was as plainly distinguished in 1842 as it is in 1845. So fierce and incessant had been this storm of invective for twenty months prior to the preparation of the "Constitutionalist's Letters," that the Conservatives boasted that the Government was written down, and Lord Falkland deemed it proper to call the attention of the Council to the state of the Opposition press and to urge that some of the members should enter the arena and defend him and themselves. On one or two occasions he called upon the honourable and learned Speaker, then the youngest member of the Council, to take up his pen and defend the Government. The

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Speaker, I believe, declined; but out of the feeling displayed by the Lieutenant-Governor arose the letters of "A Constitutionalist," which were written, not for the mercenary and mean motive attributed, but to abate the nuisance of which his Lordship complained. How must I have felt then, shortly after the retirements from the Council, to find myself openly charged with the composition of those letters, by a hanger-on about Government House, and mean mercenary motives attributed to the writer? Sir, if feelings have been aroused and arrows pointed, those from the Government quiver, sent with deadly aim, were first discharged. "Scrutator," in this very letter, attributes all the difficulties to my "ambition." I "could bear no rival near the throne," yet I went to the aid of the throne under most trying circumstances and faithfully discharged my duty until driven forth by manifest injustice. One truth "Scrutator" tells: "Between the families of the Councillors and his Lordship's, a cordial friendship had subsisted," but he forgets to tell how that was severed by rudeness which no gentleman can defend.

The Attorney-General complained the other day that the Halifax newspapers commented on the negotiations of July. Why should they not, when the whole policy of the Government was disclosed by Lord Falkland's friend on the 24th of June? But, sir, I have wasted time enough with this scribbler, having shown that he commenced the war with violating confidence, telling gross falsehoods, preferring mean charges and misrepresenting my public conduct. They began the system of which they now complain—one which, if serious notice is to be taken in grave despatches, will ultimately result in trying a Government, not by a good measure, but by a good article—not by the wisdom of its appointments, but by the pungency of a jest. As "Scrutator" sometimes says a good word of me, I will not dismiss him without bearing testimony to his merits. In an ancient city, where a funeral oration was regarded as a decent ceremony on the burial of the dead, a body lay for awhile above ground, because nobody could remember any good of the deceased. At last the barber was got to bear testimony "that he had a very easy beard to shave." Of "Scrutator" I may say, that I believe, whatever his demerits may be, he is a very good fisherman; but I have one piece of advice to temper the praise, let him hereafter attend to his professional duties and not be so fond of fishing in troubled waters.

In passing along I may notice that, although it is now said that I stand in the way of a fair adjustment, in *The Christian Messenger*, the Attorney-General's organ, it was proclaimed just after the retirements "that the breach was irreparable." It was not so then; it is so now, and those who thus prophesied have done their best to verify the prediction.

I have said that Lord Falkland's own letter, insinuating that we had attempted to force party government and wrest the prerogative from him, was a breach of his own pledge to us when we retired; that it sounded the keynote of defamation. I have shown how instantaneously one of his suite followed up that authoritative assault upon our characters, by gross perversions

of fact and the ascription of unworthy motives; that the Attorney-General's organ did the same. You will bear in mind that all this took place in December and January, "the retaliation," of which I am accused, not having commenced till the following May. I have referred to the effect which Lord Falkland's insinuations had upon our enemies in the capital. Every man whose path I had crossed in a life of public labour, every man who envied the talents and independence of my learned friend from Cape Breton, or felt rebuked by the unobtrusive virtues of my honourable friend for Halifax, caught up the cry thus raised at Government House, and saw with true Tory instinct, that his Lordship had furnished excellent materials for a row. We all know what followed. They dared not call a public meeting, but they got up a private one at the hotel and a jolly time they had of it, glorifying each other and passing addresses and resolutions. At this meeting appeared almost all the old enemies of the new system of colonial government; all those who had secretly and openly opposed Lord Falkland's administration while there was a single Liberal in it; who hated the coalition, because it was not a "party government," and who raised the cry of "no-party" that their own might once more monopolize power. For what purpose these people met or what set them on, we need not stop to inquire. In their address, they refer to the "firmness and determination displayed by the Governor-General, in maintaining the royal prerogative from recent attacks made on it by a party in the Canadas, whose objects appear calculated to produce present evil and the ultimate dismemberment of that valuable portion of the empire." "We have long," say they, "watched with deep anxiety the movements of a party who, under the specious pretext of increasing the privileges of the people, have endeavoured to undermine the royal authority." They compliment the Lieutenant-Governor on his determination to "preserve Her Majesty's subjects from the evils of a 'party government,' and hope the day will be distant when they will see the prerogatives of the Crown usurped by designing men." Here were Lord Falkland's own insinuations, caught up and embodied in grave addresses, coupled with a bold aspersion of our loyalty, signed by members of his Executive Council, and sent forward with great complacency in January; yet these very men now profess to be horrified, because in May I took up my pen to guard reputations thus wantonly assailed. Why, sir, had I owed nothing to myself, to my children, I should have been indeed a craven to have permitted such calumnies to attach to my honourable friend Mr. McNab, than whom the realm of England does not contain a man more devotedly attached to British institutions; or to my friend Mr. Uniacke, whose ten years' services to his Sovereign, as a steady supporter of her Government in this Assembly, surely merited from her representative a different return. Sir, when I look back at the wise sayings of the sages who met at the hotel and contrast them with the acts of the administration, I cannot but smile: they denounced "a party government," but have had one ever since. They were so careful of the prerogatives of the Crown! yet have brought their Sovereign's representa-

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tive before Parliament and the country, whining over a lampoon and making war upon a joke.

Let me now direct the attention of the committee to another foul stream of defamation, turned by the Government upon the heads of the ex-councillors, months before one of those articles were written, for which I am to be proscribed. On the 3rd of February, the person who a few months after was rewarded by Lord Falkland with the office of Queen's Printer, and who has for twelve months slandered and defamed the Liberals, published an article, the object of which was to propagate the belief that there was an extensive conspiracy organized in British America. I will trouble the committee with a single extract :

"As a sincere friend of the people, a friend of practical things, I would inquire what is the use of transmitting rebellious information to peaceable citizens, or of keeping a political party in the Council denounced by the Governors ; denounced in popular meetings of loyal subjects ; denounced by that portion of faithful writers, a party of rebels against the prerogative of the Crown ? There are doubtless a number of rebel scribblers in these Provinces, working subtly hand-in-hand, with a phalanx of republican loafers in the States, in order to prepare the separation of these Provinces from the mother country. Lafontaine, and his partners in rebellion here and there, are undoubtedly men without honour or shame, who are trying to fish in muddy waters public situations and sinecures for themselves, their relatives, friends and so forth ; for in the midst of seditious movements, the worst of mortals can increase in power and rise up to honour. That is the way the *printer* Franklin made himself a *big rascal* among his fellow rebel companions."

On the 8th of February, the very day on which the House met, and three months before I resumed my connection with the press or published an article of which the Attorney-General complains, Lord Falkland's friend and printer gave to the world a defamatory lampoon, purporting to be a letter from Mr. Papineau, the Canadian exile, to Mr. Howe, in which, assuming the former to be a rebel, he addresses the latter after this fashion : "Our former political intimacy, the similarity of our principles, and identity of our objects," &c. Yet the men who wrote these libels are to be held guiltless, and I am to be proscribed for not sitting quietly under accusations of treason and kissing the hand that directed the line of fire and paid for the missiles that rattled round my head. It was nothing to accuse me of treason, but it was a crime for me to declare that no one knew better than Lord Falkland that the charge was false ; it is a trifle to damn a Nova Scotian's character, but an unpardonable offence to hint that a nobleman wears a shirt.

The learned Attorney-General with his characteristic fairness has passed over all these provocations, and has reasoned as though the Liberals had commenced an unhallowed war upon Her Majesty's representative. Surely, surely, the learned and pious Crown officer, who professes to be horror-stricken at my "coarse ribaldry" and "breaches of decency and good manners," cannot have

forgotten the bundle of lampoons that issued from the Government press from February to April, under the signature of "Punch," and which I hold in my hand. "Coarse ribaldry," "breaches of decency and good manners," and reckless falsehoods, are the staple of these productions, showered by Lord Falkland's official servant upon the heads of the very men who had served and sustained him honourably for upwards of three years and who retired from the royal closet with the assurance "that they should not be misrepresented." But then, the Attorney-General finds it convenient to forget the four months' defamation by which it was hoped we might be overwhelmed; he can chuckle over lampoons and pasquinades when they appear in the Government press; indecency is a virtue when it raises a laugh at an enemy's expense; and a falsehood is no longer a falsehood when it makes in favour of his own side. [Mr. Howe here referred to the papers and read gross personal attacks on Mr. Uniacke, Mr. Doyle, Mr. McLellan, Mr. Benjamin, and Mr. Power, the "ribaldry" being "coarse" enough, and the wit scarcely atoning for the malevolent vulgarity.] I really feel for the nobleman at the head of the Government, who having been induced to countenance and patronize and pay for this miserable trash, aimed at old and faithful councillors, whose only crime was that they had conducted his Government triumphantly for three years, has been brought down to Parliament to prefer grave charges against an individual who has thrown a few paper pellets in return.

This system of Executive defamation continued for four months, and the Liberals treated it with indifference. From December till May the fire was incessant, when, on the 6th of that month, I resumed my old editorial chair, and opened fire upon the enemy. All that I have read to the House appeared in the Government press prior to that date; but something more had appeared. The learned Attorney-General, who now complains of the press garbling public documents, who professes such anxiety to give the public full information, cannot have forgotten the few lines extracted from a despatch and published by Lord Falkland in *The Royal Gazette* on the 29th of February, two months before I wrote a line with which he here finds fault. Sir, we never complained of Lord Stanley referring to "pretensions" that we never advanced, and which this House afterwards negatived by unanimous vote. His Lordship formed his opinion on the *ex parte* case sent from this country, and he was bound to believe and sustain his own officer, to give him every fair chance to recover his position. But we had a right to complain that a defamatory despatch was written to Lord Stanley, refused to Parliament, his Lordship's answer also withheld, and three lines extracted from it and published in the newspapers, conveying a censure we had never deserved and accusing us of "pretensions," which, if Lord Stanley had had the whole case before him, he would have seen we had never advanced. For more than two months Messrs. Uniacke, McNab and myself had cherished the most friendly feelings towards Lord Falkland; had treated him with the courteous observance due to his high station; had attributed to others, and not to him, the slanders which assailed

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us. Before the House met Mr. McNab had offered to withdraw his claims, to rescue his Lordship from difficulties. Down to the very day on which this stab was given by his own hand I had but one thought, how I could avert the evil I saw clouding the horizon, and rescue, by any personal sacrifice, the man whose temperament and whose advisers I knew too well not to anticipate the mischief which we have now to contemplate with so much vain regret. The moment that extract appeared I felt as a man might feel on finding a friend's knife between his ribs on whose welfare he was meditating, and for whose security he was prepared to suffer much; the old ties were severed by that stroke; and those who advised it did more mischief to the nobleman they misled than their lives, devoted to his service, could repair. It was followed up by another—by a personal insult, which no gentleman ought to offer and which no gentleman very patiently receives. From this period my feelings towards Lord Falkland were changed; but though I expressed them once or twice in the Assembly, it was not till one or two months later, during all which time the system of newspaper defamation continued, that I resumed my connection with the press and published some of the articles which have been drawn into this debate.

In approaching the charges which the Attorney-General has brought before this committee, I am constrained to say that if he does not draw up his criminal with more care than he does his political indictments, there must be strange blunders in our courts. Will it be believed that the first three passages he read, and upon which he favoured us with an hour's declamation, appeared in *The Nova Scotian* on the 29th of April, when my connection with that paper only commenced on the 6th of May? [Mr. Howe here referred to and read the passages having reference to Lord Falkland's "political facetie," his "attempting to bow everybody to his will, and being constrained to bow to the will of others," his "appointment of Mr. Dewolfe to the excise," &c.] The Parsees were constrained to attach their names to the arrows they shot; and I, during my public life, have generally done the same, though at every step I have had to meet cowardly assailants, shooting from every variety of cover. If I am to be charged without proof with writing what I do not acknowledge, I may gather from the press which supports him a goodly array of paragraphs to attribute to the Attorney-General. But, passing over the paper in April, let me come to the poetry of the 20th of May, to "The Lord of the Bed-chamber," which I am free to acknowledge appeared in *The Nova Scotian* after I resumed the editorial chair. The committee will remember that before this pasquinade was published I and my friends had been ridiculed and defamed in the Government organs for nearly five months; that we had stood this fire with infinite forbearance and composure; that the despatch had been published; that the Speaker of this House had been debarred the usual official courtesies due to his rank, and never, for half a century, omitted. After all this had been done, and no pains spared to make the quarrel personal, is it strange that we should have determined to retaliate; to show our opponents the blunder they had committed by

forcing the Queen's representative into the political arena; to let them see there was some wit and humour on the opposite side; and that if they monopolized political power, they were not to have a monopoly of the elegant manufacture of political pasquinade. "The Lord of the Bed-chamber" describes the perplexities and conflicting feelings of the Governor and his advisers during the fourteen days' debate on the address in the winter session. If the writer has gone too far, gentlemen, bear in mind the extent of the provocation. Let it not be said that Lord Falkland and his advisers were not answerable for what appeared in *The Morning Post*; that paper was edited and owned by the printer of *The Gazette*. The Government had the command and the direction of both. If a person kept a brothel and a boarding-house under the same roof, and if the former was a nuisance to the neighbourhood, could those who frequented and patronized and encouraged the proprietor plead that they were only accountable for what was done in a single suite of apartments? I think not; and acting on this principle, I have claimed my right to hold the Lieutenant-Governor personally responsible for all the defamation published by the organ of his Government, by his paid official servant. I may have been right or wrong, but I fearlessly avow the fact. [Mr. Howe here referred to and read the poem¹ complained of by the Attorney-General, and kept the House laughing for ten

¹ THE LORD OF THE BED-CHAMBER.

FYTTE THE FIRST.

The Lord of the Bed-chamber sat in his shirt
 (And D—dy the pliant was there),
 And his feelings appeared to be very much hurt,
 And his brow overclouded with care.

It was plain, from the flush that o'ermantled his cheek,
 And the fluster and haste of his stride,
 That, drown'd and bewildered, his brain had grown weak
 From the blood pump'd aloft by his pride.

"No answer! The scoundrels, how dare they delay!
 Do they think that a man who's a Peer,
 Can thus be kept feverish, day after day,
 In the hope that their Speaker 'll appear.

"The Goths! Has not J——, 'my leader,' so 'cute,
 Stood up in his place and declared
 That, whenever it happens my humour to suit,
 To do justice to all I'm prepared?

"How dare they delay, when a Peer of the Realm,
 And a Lord of the Bed-chamber, too,
 To govern them all has been placed at the helm,
 And to order them just what to do!

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minutes with ludicrous commentaries.] The Attorney-General had bitterly complained of the opening line:

“The Lord of the Bed-chamber sat in his shirt.”

This is the first time I ever suspected that to hint that noblemen wore shirts was a grave offence, to be prosecuted in the high court of Parliament by an Attorney-General. Had the author said that the Lord of the Bed-chamber had no shirt, or that it stuck through his pantaloons, there might have been good ground of complaint. There was a little poem of Hood’s, that began thus:

“With fingers weary and worn,
With eyelids heavy and red,
A woman sat in unwomanly rags,
Plying her needle and thread.

“Go, D——dy; go, D——dy, and tell them from me,
That like Oliver Crom. I’ll come down,
My orderly sergeant mace-bearer shall be,
And kick them all out of the town.”

Then D——dy the pliant looked puzzled and grim,
And he made a salaam with his head,
But ventured to hint that it might not, for him,
Be quite safe to repeat what was said.

“They’ve got some odd notions, the obstinate crew,
That we are their servants—and they
A sergeant have got, and a stout fellow, too,
Who their orders will strictly obey.

“Besides, though the leader and I have averred,
That justice they soon shall receive,
’Tis rather unlucky that never a word
That we say will the fellows believe.

“Their satire and arguments freely they pour;
In their numbers and talents they glory;
And your bed-chamber title they’ll care for no more
Than they did for my bed-chamber story.”

Then the Lord of the Bed-chamber stamped and he swore,
Till D——dy looked pale as a sheet,
And was quietly edging away to the door,
In the hopes to effect his retreat.

“How now,” cries his Lordship, “deserted by you!
I hope you don’t mean ‘to retire’;
Sit down, sir, and tell me at once what to do,
For my blood and my brain are on fire.”

Stitch ! stitch ! stitch !
 In poverty, hunger, and dirt,
 And still, with a voice of dolorous pitch,
 She sang 'the song of the Shirt.'

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The author of these lines has recently been pensioned, and I have no doubt, whenever our "Song of the Shirt" is brought to the notice of her gracious Majesty, which it must be now that it has become an important state paper, she will be equally mindful of the merit of the author.

I come now to the paper of the 10th of June, and mean to fulfil the pledge with which I set out, by showing that every article in *The Nova Scotian*, to which the Attorney-General takes exception, was called for by an insidious defamatory publication, put forth by the official servant of the Government. This, which I confess I wrote, is in answer to a long one in the Executive organ of the 30th of May. That is coarse and brutal throughout ; it accuses

Then D——dy, bewildered, shrank back to his chair,
 And protested he'd fight till he died ;
 But he looked like a beautiful cast of Despair,
 With the Angel of Wrath by his side.

"Suppose," and his voice half recovered its tone,
 "You ask them to dinner," he cried,
 "And when you can get them aloof and alone,
 Let threats and persuasions be tried.

"If you swear you'll dissolve, you may frighten a few,
 You may wheedle and coax a few more,
 If the old ones look knowing, stick close to the new,
 And we yet opposition may floor.

"For a month I have laboured divisions to sow,
 And S——y has lied like a Turk,
 And M——r has feasted, and J——, you know,
 Is nearly knocked up with hard work.

"But still, in close column, they stand and they fight,
 And the country is getting on fire,
 And the county of Hants sent a squadron last night,
 To ask W—— at once to retire."

"I'll do it, my D——dy—I'll do it this night,
 'Party Government' still I eschew ;
 But if a few parties will set you all right,
 I'll give them, and you may come too."

The Romans of old, when to battle they press'd,
 Consulted the entrails, 'tis said,
 And arguments, if to the stomach addressed,
 May do more than when aimed at the head.

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me of wishing to be "at the head of a tyrannical and oppressive Government." It reiterates the monstrous falsehood—a thousand times repeated—that I demanded leave of the Lieutenant-Governor "to let me form a party Government," when I never proposed to him to form any Council, either before or after the elections, in which the Conservatives were not to have had four or five seats. As a specimen of the high compliments paid to the Opposition, it is only necessary to say that they are styled "a band of brigands." Was it to be expected, then, that I should put the buttons on the foils, in defending my friends and myself from such an assailant? Out of five columns of calm and good-humoured argument, the Attorney-General has selected a single passage; and that, taken in connection with the line of reasoning I have pursued and the article to which it was an answer, carries with it its own justification:

"We shall now only say a word or two as to the 'personal attacks' which we are accused of making 'on Her Majesty's representative,' and on this subject we shall speak out plainly and distinctly. When a Governor descends so far as to publicly accuse men who have served him faithfully, of attempting to 'wrest the prerogative,' because they differ in opinion with him and retire from his Council; when he accuses them of 'pretensions,' when they counsel him fearlessly, as they are sworn to do; when he refuses to the Speaker of the Assembly the official courtesies which are his due, because that officer acts independently in the discharge of his public duty; and seeks to curb, by a boyish pettishness of resentment, all freedom of action and sentiment in politics, he places himself upon a much lower level than the Liberals of Nova Scotia think a Governor should always occupy. For our part we have no hesitation in saying, that he no longer represents, but that he misrepresents our Sovereign; and, so far as we are personally concerned, we would not allow the proudest duke that ever stood behind a throne to play such antics in Nova Scotia, without letting him feel that there was at least one person in the Province a little prouder than himself, and quite conscious that—

'The rank is but the guinea stamp—
A man's a man for a' that.'

"As to the statement that his Lordship 'had written himself down,' the opinion is very current among those who have examined the letters, speeches, and state papers which have been issued from the Executive during the last year; but it is well known that we hold his advisers responsible for these, and that when we speak of the Governor, in those political essays, we but refer to and criticise the acts of his Executive Council. If they knew their duty, they would apply to themselves every attack, every joke, every sarcasm, without thrusting the Queen's representative into the front of the battle, to receive the shots and return the fire."

Let me now direct your attention to the paper of the 15th July, and ask again what drew forth the article which it contains? The answer is—another

gross libel on the retired Councillors, in the Government organ. Sir Charles Metcalfe had written to Lord Stanley :

"I am required to give myself up entirely to the Council ; to submit absolutely to their dictation ; to have no judgment of my own ; to bestow the patronage of the Government exclusively on their partisans ; to proscribe their opponents ; and to make some public and unequivocal declaration of my adhesion to these conditions, involving the complete nullification of Her Majesty's Government."

Lord Falkland's official scribe, commenting on this passage, had said :

"This is what Lord Falkland is required to do by his opponents ; the enemies of justice to all parties, and to constitutional freedom. Is this disputed ?"

What was my answer ? The passage garbled and complained of by the Attorney-General. The committee will pardon me for quoting the whole :

"So, then, Lord Falkland has been required by Uniacke, Howe, and McNab 'to submit absolutely to their dictation ; to have no judgment of his own ; to bestow the patronage of the Government exclusively on their partisans ; to proscribe their opponents, and to make some public and unequivocal declaration of his adhesion to these conditions, involving a complete nullification of Her Majesty's Government.'

"Surely, surely, Lord Falkland cannot wonder that these gentlemen and their friends are not very measured in their expressions, when his paid official servant, the mouthpiece of his Government, puts forth such barefaced lies as these. The epithet may be strong, but it is the right one to use in such a case. In the name of the ex-Councillors, on the house-tops, before Lord Falkland's face ; aye, in the presence of the Queen herself ; wherever and whenever this charge is brought against James McNab, James B. Uniacke and Joseph Howe, to our dying day we will pronounce it a base, black falsehood, without a shadow of foundation ; yes, and add, that no man knows better that it is so than the nobleman who thus instructs or permits his underling to defame men, whom the plain unvarnished truth could not injure."

Was this language too strong ? What was the charge ? Treason, disloyalty, utter prostration of the royal authority ; and "base, black falsehood" was the only term to apply to such a slander.

Let me quote the proof that it was so, which the Attorney-General conveniently forgot to give :

"Now what are the facts ? We speak of our own personal share in this charge and of our own experience. Will the public believe that in three years and a half but one appointment was made by our advice to which Lord Falkland evinced the slightest repugnance, and that was the reappointment of an old servant ? Will they believe that in every other, for reasons deemed satisfactory to 'his own judgment,' he gave a cheerful and full concurrence, and that these amounted to hundreds ?

"Will the country believe that in every act of administration, throughout

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the whole period that those gentlemen thus defamed were members of Lord Falkland's Council, a most respectful deference was paid to his Lordship's feelings and opinions; that in no one instance was anything pressed upon him to which he entertained a decided and strong objection?"

I come now to another of those satirical poems,¹ which the Attorney-General

¹ PASQUINADE.

Private and Confidential.

FROM L—D F———D TO L—D S———Y.

MY LORD,—

By this mail, *which I have not detain'd*,
A few lines, mark'd *private*, to write I'm constrain'd.
In my public despatch, my position, *en beau*,
Is set off to the greatest advantage, you know;
When you read it you'll think I have nothing to bore me,
But am driving Bluenoses, like poultry, before me.
I'm sorry to own, yet the fact must be stated,
The game is all up, and I'm fairly check-mated.
The Poacher in Chaucer, with goose in his breeches,
Was betrayed by the neck peeping through the loose stitches;
And I must acknowledge, unfortunate sinner,
As my griefs are enlarging, my breeches get thinner;
And I feel, if I do not soon make a clean breast,
That, from what you observe, you will guess at the rest.

But while talking of geese, it is said, in some ruction,
That Rome, by their cackling, was sav'd from destruction—
The luck of the Roman runs not in my line,
For I am destroyed by the cackling of mine.

There's H——y, whose pedantry, blent with his blarney,
Makes his verses so stiff and his letters so yarny,
Has physick'd and scrawled till I'm nearly done over—
For his books never sell, nor his patients recover.

There's W——s, half German, half Taffy, they say,
Whose brains have "a looseness," who talks by the day—
I wish that his wind would but go *t'other way*.

There's J——n, the costive, when spinning a yarn,
On the floor of the House, or the floor of a barn,
Excels in the fine arts of canting and prosing,
And never can see when his audience are dozing:
The extent of his *labour* no midwife can guess,
While the wearisome after-birth spreads o'er the Press.

Then there's R——s, who goes snorting and screaming so fine,
In whom all the worst points of the bagpipe combine,

declares is "so indecent" that it cannot be read; and really, if it were not for wasting your time, Mr. Chairman, with such trifles, I would read the whole of it, and let the committee judge of the text and the commentator. It is a letter in humorous verse, supposed to be written by Lord Falkland to Lord Stanley. It appeared in *The Nova Scotian* on the 20th of November; but the committee

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The drone, and the harshness;—our ears would be dinn'd,
But the fellow, My L——d, is deficient in wind.

But the plague of my life is a genius I bought—
(I'm indebted to Stewart for the unlucky thought),
In mischief laborious—in judgment deficient—
In the slang of all despots a slavish proficient;
As a dog is with hairs, so he's cover'd with lies—
If he touches a flower, it fades or it dies:
Like an issue, first opened the patient to save,
But which festers and runs till he reaches the grave,
This fellow exhausts me—I'm thin as a ghost,
With detaining the *Mails*, and maintaining the *Post*.

My L——d, if I wrote this as long as a lecture,
One half of my cares you could never conjecture:
Only think how my feelings are wounded and hurt,
By having a reference made to my "shirt"—
Among ignorant people, so soft, that before, one
In ten hardly knew that a nobleman wore one.
The "Prerogative's" safe, as the talent we're told of,
Which the idle and profitless steward got hold of,
Wrapt up in a napkin, it "lies" on my table,
But to make any use of 't I own I'm unable.

Then Metcalfe has cut me, and Ryerson swears
That Sir Charles never dressed himself out in my airs;
And your own declaration on *Party*, came down,
Like the blow of a stick on the head of a clown.

And that strange fellow, Howe, though I've tried to destroy him
(I wish from my soul that I yet could employ him),
Goes laughingly telling the truth o'er the land,
Till the storm rages round me on every hand—
And the people, beginning to take my dimensions,
But smile at my pride and resist my "pretensions."
Have pity, my Lord, and, if possible, aid me,
I know at the Clubs they will laugh and upbraid me;
But if in the East you can stow me away,
Of your temporal welfare I'll think, when I pray—
And blunder no more, with my temper contrary,
But behave myself better,

Your friend,

L——s C——y.

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will bear in mind that it was provoked by two letters of the same description, published at my expense by the official printer just ten days before. It commences—

“ My Lord, by this mail, which I have not detained,
A few lines marked ‘private,’ to write I’m constrained.”

This was only a fair hit at the Government for the detention of all the correspondence of the Lower Provinces, because the Governor’s advisers were too careless or too stupid to write in time an official letter to the officer in charge of the steamer. We have asked for the correspondence on this subject ; it has been refused. When it is necessary to denounce a lampoon or deprive Her Majesty’s lieges of the innocent privilege of laughing, we have grave despatches in abundance ; when thousands of letters and hundreds of thousands of pounds, in orders for insurance and bills of exchange, are detained here a fortnight by gross ignorance or dereliction of duty, information is denied. But to proceed with the poetry :—

“ In my public despatch, my position, *en beau*,
Is set off to the greatest advantage, you know ;
When you read it, you’ll think I have nothing to bore me,
But am driving Blue Noses, like poultry, before me.
I am sorry to own, but the fact must be stated,
The game is all up and I’m fairly check-mated.
The Poacher in Chaucer, with goose in his breeches,
Was betrayed by the neck peeping through the loose stitches ;
And I must acknowledge, unfortunate sinner,
As my griefs are enlarging, my breeches get thinner ;
And I feel, if I do not soon make a clean breast,
That, from what you observe, you will guess at the rest.”

I fear that this allusion to his Excellency’s breeches is regarded by the Government with as much alarm as the former reference to the startling fact of his wearing a shirt.

“ But while talking of geese, it is said, in some ruction,
That Rome, by their cackling, was saved from destruction ;—
The luck of the Roman runs not in my line,
For I am destroyed by the cackling of mine.”

When this was written, lightly as I estimated the discretion of Lord Falkland’s advisers, I did not think they were such geese as to come cackling to the Assembly over such eggs as these. There are other passages, perhaps a little broad, but surely not half so bad as dozens that are to be found in Shakespeare, Swift, Sterne, Pindar, or in Hanbury Williams’s political pasquinades, all of which, I doubt not, are to be found on the Attorney-General’s book-shelves. If this squib is to be condemned, let Judge Slick, whose volumes abound in

broad humour, preside at the trial, and I doubt if the Crown officers can obtain a verdict.

[Mr. Howe next read and reviewed the article of the 2nd of December, which he proved was, like all the others, called forth by a violent and scurrilous attack on himself and on the Speaker of the Assembly.]

I have now gone through all the articles on which this solemn Executive proscription is founded, and I may say at the end of this review as I said at the beginning, that I mourn over the spectacle which the Governor of my country presents; coming down to Parliament with a case at which Lord Stanley and every clerk in Downing Street would laugh, if the pleadings on both sides were before them. Nova Scotians were wont to occupy high ground for steady loyalty; for firm adherence to principle; for acute circumspection in the management of their affairs. But I doubt if this solemn impeachment of a political newspaper, this war upon the satiric muse, will elevate us much either at home or abroad. Before passing from these topics, in justice to myself, I must make one or two observations. That I know what is due to my Sovereign's representative when the dignity of his high station is adequately sustained; when political warfare is conducted within the boundaries of the constitution; when personal feelings are not outraged and public principle is not sought to be crushed by Executive defamation, the members of this committee and the people of this Province, know right well. From 1836 to 1840, at the head of a majority in this Assembly and with a press at my command, I conducted an opposition to Sir Colin Campbell's administration, and never wrote a line or uttered a syllable personally offensive to that gallant old soldier. Why? Because he treated the members of the Opposition like gentlemen and because, by the men who sustained him under the leadership of my learned friend from Cape Breton, and those who differed with them on principle, all the courteous observances of chivalrous warfare were maintained; we saluted each other as the first volley was fired and drank at the same stream when the battle was over.

For the more barbarous style of warfare which has come lately into vogue, the Opposition are not to blame; they but follow the mode set by his Lordship's advisers. I regret the change, for I well remember, when standing in the crowd at Lord Falkland's first levee, Sir Colin Campbell thus addressed me: "Mr. Howe, there is my hand; we fought it out bravely, for each thought he was right; you treated me like a gentleman and I cherish no unkind feeling." Such are the terms upon which British Governors and British colonists should part; it will be always so, when those who represent the Sovereign respect themselves and respect the feelings and the rights of others.

But it is said I praised Lord Falkland in 1842. I did; he had then done nothing undeserving of commendation—I spoke as I felt. I speak now as I feel, with two years of added experience; and after, misled by bad advisers, he has committed innumerable blunders. If I praised him in 1842, the Attorney-

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General's friend hissed him ; surely there is as much inconsistency in the one case as in the other. Members of Council lauded my magnanimity in 1842, who are now parties to this miserable proscription. The papers that sustain his Lordship in 1845 teemed with scurrilous invective in 1842. What has produced the change? Am I the only inconsistent party of the whole? Neither are inconsistent ; his Lordship has forfeited the confidence of his old friends by the very policy which has delighted his old enemies. Circumstances develop character often very rapidly. Saul was the same Saul after he had launched his javelin at David that he was before. A trifle had touched his vanity and aroused his pride. Yet David could hardly be expected to feel or speak of him as he felt and spoke before his life was menaced. The Moor is the same man in the fifth that he is in the first act of the play ; but his whole character has been changed ; the wily Iago has poured a leprous distilment into his ear, has so practised on his noble nature that he rants like a maniac and destroys the wife of his bosom in his rage. A man may have praised a fine horse that he would hardly know again when driven frantic and blown by a nettle tied to his tail. Sir, I have always done Lord Falkland justice ; I will do him justice now, though he has taken the Sovereign's name in vain and prostituted Her authority to crush me. He knows me well ; I know him perhaps better than he does himself. He has many high qualities of head and heart ; but as a noble poet said of his relative, a "host of passions" ; and by playing upon and inflaming these, the men who surround him have, in one short year, led him from blunder to blunder until the spectacle of degradation is completed by this personal squabble, exciting the compassion even of the individual he would destroy.

Though the reference to the new appointment to the excise office appeared in the paper with which I had no connection, the Attorney-General has thought proper to attribute it to me and boasts that he will justify the appointment by its fruits. Sir, I neither complain of the appointment, nor doubt that the duties have been properly discharged ; but if the Attorney-General wishes to discuss the past or present management of the office, when the papers are printed and on the table, I am ready to meet him ; and I think it will then appear that if the tree has yielded fruit abundantly, my honourable friend from Yarmouth, the Speaker, and others, who dug around the roots and applied the manure, are entitled to a share of the praise.

Sir, I have now got out of the newspapers brought here by the Attorney-General and turn to the despatches and documents laid on the table of the House by command of his Excellency the Lieutenant-Governor. Though some of these, in accuracy and dignity of style, are below the ordinary level of newspaper compositions, yet they wear the form of public documents, with which alone, and not with squibs and lampoons, a legislator should deal. The letter of the 24th of February, handed to the retired Councillors by Mr. Dodd, has been read to the House and is a singular composition. Lord Falkland is made to say, that his "sole object is to do equal justice to all parties," yet the leaders

of the Liberal party were driven out by an act of gross injustice ; and in this letter, written after the whole influence of the Government could only secure a bare majority of one, the terms offered would have placed them in a powerless and contemptible minority at the Council board. We might have gone back, after accepting the terms and conditions of the letter ; but if we had, our characters would have been wrecked and we would have had as much influence as three red herrings. His Excellency is also induced to assume great credit for taking "the initiative step," in this negotiation. Why, who should have taken it, who could have taken it but his Excellency ? Suppose an English statesman were to take the "initiative step" and, thrusting himself into the royal closet, desire leave to form a Cabinet. Would he not be kicked out ? Suppose we, having retired, had gone up before any negotiations had been opened with us, and offered a programme of a Council, what would his Lordship have said ? Sir, the "initiative step" in forming a Government must be taken by the Sovereign or her representative ; and to boast of taking it is about as wise as it would be for a gentleman in asking a lady's hand, to desire her to behold the highest proof of his affection in the fact of his "taking the initiative step."

Then we are told that his Excellency is apprehensive that the public good will be sacrificed "at the shrine of party conflict." When Mr. Almon was appointed, it was to prevent the introduction of "party government" and to "allay party feeling." It has, as we warned his Excellency, established party government and exasperated parties, without being approved even by those who have been induced to sanction it by the pressure of Executive influence. I know not how British institutions are to be worked in this or any other country, without party feelings and attachments ; and surely the nobleman at the head of the Government should regard these necessary evils with indulgence, seeing that he belongs to a party that convulsed all England to carry a public measure and gave Bristol for two days into the hands of a lawless mob. But if we examine this story of "justice to all parties" a little more closely, throwing all Lord Falkland's projects for the formation of a Government together, what do we find ? That the old Tory party would have had twenty seats in Council and the tried friends of the new system twelve ; that in no one proposition were the Liberals to have had justice. Look to the appointments throughout the year ; every office of emolument given to their own party ; five magistrates commissioned in this county, four of them on the same side. But mark the stipulations demanded of us : the Attorney-General, who set the example of agitation in 1843, required us to promise that we would not agitate the country ; all our measures were to be "postponed till those emanating from the Executive" were disposed of. Why, sir, we have waited two entire sessions and not a single measure has been produced. Others would, then, have been indefinitely postponed. But we were to be "guided in certain matters" by those whom we knew were no safe guides ; we were "to state our concurrence on matters of importance" very faintly shadowed forth ; to give "a direct

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renunciation of a doctrine" which was utter nonsense, and a "frank recognition of the Governor's right" to select a mixed medley of men from all sides, holding no opinions in common, to sit in his Executive Council. Truly, if we had accepted seats on such terms, we should have earned the contempt and execration of every man in Nova Scotia. These stipulations either meant something, or they meant nothing; if they meant nothing, they should not have been made; if they meant anything, it was the abject and mean surrender of every valuable principle that we had contended for all our lives. But, it is said, we might have affirmed or denied them. We did deny them; but we feared that the object was,—if we affirmed them, to entrap; and if we denied them, to misrepresent us. What occurred? This very letter was sent to the Colonial Secretary and published to the world as evidence of our heterodox opinions; our plain frank answer being studiously withheld. We were in the situation of gentlemen invited to a dinner, but required to pledge ourselves that we would neither pick our teeth with the forks, nor spit on the drawing-room fender. The offensive language of the invitation precluded the possibility of its acceptance. We respectfully declined; but where is our answer? We wrote one; where is it? Why was it not sent to the Colonial Secretary? For the best of all possible reasons,—because, if it had been, it would have been no longer possible to misrepresent the moderation and constitutionality of our opinions. [Mr. Dodd here explained, that he was only empowered by Lord Falkland to require a simple "yes" or "no."] I did not so understand it when the letter was delivered; I did understand that the learned gentleman had no authority to enter into a general negotiation, to propose or to accept other terms. The best proof that we did not consider ourselves debarred from giving the reasons of our refusal is that a letter was drafted, copied, and handed to that gentleman. It is said it was not shown to Lord Falkland. Why? The committee will guess the reasons when they hear the letter.

[Mr. Howe then produced and read the following letter:

HALIFAX, *February 24, 1844.*

SIR,—We have maturely weighed the proposition made to us in the letter from the Lieutenant-Governor; put into our hands yesterday, and our deliberate judgment is that we ought not, under present circumstances, to join the existing Council upon the terms proposed; and that if we did, instead of permanence and tranquillity being the result, we should but expose ourselves to a loss of confidence and influence in the House and in the country, without bringing any real strength to the Government. It is not necessary for us to state at large the grounds upon which this opinion has been formed, as we are reluctant to seem to trench, in the slightest degree, upon the independent exercise of the prerogative. We have not only no desire "to sacrifice the general good at the shrine of party conflict," but may add, that it would give us great pleasure to be able, with consistency and honour, to give his Excellency the Lieutenant-

Governor our best assistance in the conduct of the administration, provided such changes were made as would obviate the appearance of a party triumph, wounding to our feelings, and distasteful to those whose feeling and interests we represent.

With regard to the general principles of Government applicable to these colonies, it is only necessary for us to state that we have always adhered to those flowing naturally from the important despatches communicated to the public, sanctioned by the Governor-General of Canada, always frankly avowed by Lord Falkland since 1840, and in 1842 embodied, with his consent, in the written statement communicated by yourself to the Assembly. "Numerical representation," at the Council, has never been insisted upon by us; but we hold that if a coalition is to be formed, both parties to it ought to be satisfied, and that any administration, to be useful and efficient, should possess so much of public confidence and cordial and generous support as will lead to the harmonious conduct of public affairs.

We trust we need not enlarge on these topics, as we have frequently discussed them with you, and are not aware that there exists between us any serious difference of opinion.—We have the honour to be, sir, your obedient servants,

JAMES B. UNIACKE.
JAMES McNAB.
JOSEPH HOWE.]

If that letter had gone to the Colonial Secretary, we could not have been accused throughout the year of wishing to "wrest the prerogative," "the independent exercise" of which we fully recognized. We could not have been charged with forcing "party government," when we had declared ourselves only desirous to "obviate the appearance of party triumph." That letter would have furnished our justification to all the world, and the House and the country will require to know why it has slept for a year in the Solicitor-General's pocket.

[Mr. Howe also, at Mr. Dodd's request, referred to and read a note from that gentleman, dated 28th February, giving as a reason for not presenting the letter to the Governor, that he considered the negotiation closed.]

There were two passages in the original draft of the letter which were struck out of the copy handed to the learned Solicitor-General, because we did not care, in such a negotiation, to multiply words or accumulate debatable matter. As they convey our opinions upon two points touched in the letter from Lord Falkland more concisely than I can express them, with the permission of the committee I shall read them:

"Agitation of the country upon any topic not involving the character or measures of the Government, we deprecate. Two of us have never been parties to any such movements and the third was reluctantly compelled (with his Excellency's permission) to follow, upon the question of education, a

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vicious example, set for four or five months, by a prominent member of the present Executive Council.

"That a colonial Governor stands, in all respects, in the same relation to the Assembly that the Sovereign does to the House of Commons, we believe is not held to be sound doctrine by any party in our Assembly; that he 'can do no wrong,' in the comprehensive sense applied to the Sovereign, we have never heard advanced. Acts of Parliament, despatches, and instructions must bind all Governors, independent of Provincial legislation, and the responsibility to his Sovereign, which a Governor can devolve on no man, includes the possibility of wrong-doing, of which he from whom his authority is derived only can judge. The doctrine, as stated in the recent debates, we understand to be this: that the members of Council are bound to defend the Governor's acts, and, in Parliament and elsewhere, ought to be charged with whatever is wrong in the conduct of the administration, in order that the representative of Majesty may be at all times placed in the most exalted and gracious aspect before the people over whom he presides."

Here, then, is our view of the doctrine of Executive responsibility. It coincides with the opinions of all the leading Canadian statesmen on all sides of politics; and at the time it was written, we had in our possession a pamphlet prepared by Sir Charles Metcalfe's Government in which it was stated with clearness and precision—a pamphlet said to have been sent to England with his entire 'approbation. I put it to the committee then, if, under all the circumstances, we did not act with firmness and discretion, holding stoutly to our own rational opinions, based upon sound principles and the best authority, and declining to swallow those of our opponents, which, from the exposition given of them, no human being could understand.

I come now to a circumstance which I should never have mentioned, but for the very extraordinary course which Lord Falkland has been advised to pursue. I entered his Government in 1840, under difficulties which few public men would have encountered, with no other object than to assist in working out new principles, which I believed lay at the foundation of good government here and the permanence of British dominion on the American continent. I served him two years without any office of emolument or any pecuniary advantage. An office fell vacant; he offered and I accepted it. He subsequently committed errors which I could not defend. I resigned my office and retired from the Government. All this gave rise to no feelings of resentment on my part; it was the natural operation of the system to which my public life is pledged. Whatever may be thought or said by my enemies, it is not in my nature to have confidence and kindly intercourse with any man without feeling an interest in his welfare. From what I know of Lord Falkland's peculiar temperament, from what I know of those who surrounded him, from what I saw in the papers and in the letter of the 24th of February, I was quite satisfied that unless some vigorous step

was taken to prevent it, he would be brought into violent collision with the whole Liberal party; and that from that moment the character and efficiency of his administration would be at an end. Down to the close of the negotiation with Mr. Dodd and for some days after, though I could not sacrifice public principle, I would have burnt my house over my children's heads to have saved or to have served Lord Falkland. The nature of my feelings was well known to my political and personal friends. On the morning of the 29th of February, some days after the communication was made through Mr. Dodd, I met a personal friend of Lord Falkland's and my own, in Dutch Town. We discussed the state of affairs and expressed similar opinions as to the perplexed aspect which they presented. I had meditated on a mode of extricating the Governor by a sacrifice purely personal which I then resolved on. My friend consented to carry a note which was to be burnt if the proposition was rejected—to be returned if his Lordship declined to entertain it. The note which I hold in my hand was written and sent that forenoon. The pledge of secrecy required, and which was essential to the success of the measure, was refused and the note returned; whether for his Lordship's advantage or the peace of the Province, the committee will judge by its contents:

My LORD,—The small majority which supports your Government, and the strength of the Opposition, make it desirable, for the peace of the country, that there should be such an arrangement between the contending parties as will give the requisite support to the administration and at the same time be satisfactory to the country. This could not be done on the basis proposed in your Lordship's letter, for various reasons. I think it may be accomplished, if two individuals, one on each side, to whom strong exceptions are taken by the adverse parties, were to waive their claims, for the sake of peace, and then the difficulties would be over.

As your Lordship is aware of the delicacy necessary in making these suggestions and as I have yet no assurance that others would concur, I have taken this mode of ascertaining whether in the event of my yielding any claims I may be supposed to have to some other Liberal less objectionable, your Lordship would be disposed to consult the feelings of the Opposition, by a corresponding removal of an individual on the other side.

I trust your Lordship will do me no injustice, by supposing that I have any interest in this matter; as, in the event of such an arrangement being made, I have other views, which would preclude me from accepting office in a Government of which I was not a member.—I have the honour to be, my Lord, your Lordship's obedient servant,

JOSEPH HOWE.

February 29.

This was the temper and spirit in which I acted, with one single object, down to the 29th of February. The "pretensions" despatch appeared in *The Gazette* that evening. The note was read to Mr. Dodd the next morning; but,

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after that ill-judged publication in *The Gazette*, the whole feeling of the Liberal party was changed. With these plain facts before them, this committee will judge whether I have deserved, at the Lieutenant-Governor's hands, the treatment I have received ; whether the charges of selfishness and ambition, showered upon me by the Government scribes, require any other answer.

Let me turn your attention, Mr. Chairman, to the subsequent negotiation in July. The responsibility of rejecting the overtures made rests not upon me. I do not complain that in this case the notes which passed are published ; although I must confess that, in my judgment, the mode will be found strangely inconvenient, if it is to be followed hereafter. At home, negotiations for the formation or strengthening of a Government are conducted by the Sovereign in the royal closet or through some distinguished person, in the most confidential manner. The main facts involved in those negotiations are disclosed to Parliament, if there exists a paramount necessity ; but the communications which pass, and which often include much curious matter, are rarely given to the world. If they were to be, in all cases, the confidence so essential to the security and independent action of the Crown would be destroyed. A Governor, whose advisers have ordinary tact and discretion, will conduct his negotiations in such a way that, if his difficulties are not removed, his embarrassments will not be increased. What was done in this case ? Five notes were written to five different gentlemen, offering seats in Council, in which was mentioned and marked with disapprobation the name of a person who sought no favour from the Governor, and whose common rights of citizenship were violated by this gratuitous attack upon him. Those who advised this course had their own peculiar objects. To proscribe an opponent, they thought, was to crush him ; to break down the bridge behind Lord Falkland was to prevent the possibility of his escape. When his Lordship put his name to these absurd letters, failure was stamped upon the whole negotiation ; a crime was imputed which had been confirmed by no tribunal ; the Crown was made to accuse a subject without stating the grounds of the accusation. A political party was asked to countenance—to be parties to this strange impeachment ; to come into the Government, and aid their old enemies to plant their feet on the neck of an old friend. What followed ? I speak not now of the conversations which occurred between the Attorney-General and my friend Mr. Uniacke ; of these I know nothing ; but I am talking of what passed when the Liberal party met to consider the proposition. With one voice they rejected it, without my interference. The whole aim and scope and object of this despatch is negatived by the combined action of the entire party. The negotiation was at an end ; it had failed ; and Lord Falkland was still more deeply committed, without being relieved from his difficulties. What, again, was the conduct of the man he delights to denounce and proscribe, whose grasping ambition is the theme of his household scribbles, who he proclaims to Lord Stanley has no influence, and yet will be *de facto* Governor, if he admits him to his Council ? Finding this clumsy intrigue unanimously resisted by the Liberals, I thought only of

the peace of the country. I then stated that though I cared nothing for the public proscription of myself, the precedent was dangerous, and ought not to be sanctioned. That if it was withdrawn and power given to the Attorney-General and Mr. Uniacke to form a Council of nine or ten from the two parties, that my claims should not stand in the way of any fair and honourable arrangement. From the treatment I had received from Lord Falkland, I had much to forget before I could enter his Government, but that I would support it, either in or out, if my friends were satisfied. On this basis Mr. Uniacke was empowered to negotiate; and, whatever may have passed between him and others, I am quite satisfied that he acted honourably up to the spirit of his instructions. Finding that the proscription was to be adhered to and that the Liberal party would not proceed a step till it was withdrawn, he communicated the fact and abandoned the negotiation. These are the facts, as far as they came to my knowledge, and the committee and the country can now judge whether "the Opposition were ready to agree to the exclusion of Mr. Joseph Howe." Mr. Howe was willing, as usual, to agree to his own exclusion, but Lord Falkland's sage Councillors thought more of revenge than of his honour or the peace of the country.

Mr. Chairman, I fear not the judgment of the Colonial Secretary or of the country, when my conduct throughout this trying year is fairly stated. The time has come when I must do myself justice. An honest fame is as dear to me as Lord Falkland's title is to him. His name may be written in Burke's Peerage; mine has no record but on the hills and valleys of the country which God has given us for an inheritance, and must live, if it lives at all, in the hearts of those who tread them. Their confidence and respect must be the reward of their public servants. But if these noble Provinces are to be preserved, those who represent the Sovereign must act with courtesy and dignity and truth to those who represent the people. Who will go into a Governor's Council if, the moment he retires, he is to have his loyalty impeached; to be stabbed by secret despatches; to have his family insulted; his motives misrepresented, and his character reviled? What Nova Scotian will be safe? What colonist can defend himself from such a system, if a Governor can denounce those he happens to dislike and get up personal quarrels with individuals it may be convenient to destroy? But, sir, the gross misrepresentation of my conduct and position in the despatch of the 2nd of August is nothing to the dishonour it heaps upon the Liberal party. It paints them as ready to sacrifice me for defending them; as without leaders, principles, or union. Now, sir, is this true? Was it true in August? And if without a shadow of foundation, should it have been palmed off on the Colonial Secretary, under the sanction of the Governor's name? We are told that the Government "had acquired additional firmness and stability, within a fortnight." If so, how did it happen that in the summer session but one question was raised, and upon that one, after a debate in which their leaders took the most prominent part, the views of the Opposition were adopted?

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But they have no "acknowledged leader." Have they not? Then let there be no mistake about that point hereafter, for the Opposition "acknowledge" the honourable and learned member for Cape Breton as their leader. Whether there is a want of "concert" and "determinate action" this division will show. But "Mr. Howe's influence is greatly diminished"! Perhaps so: but was this proved by the addresses presented to his Excellency or by the eight or nine public meetings subsequently held? I think not; and if there is still any doubt, when the spring opens I shall have no objections to take my rod and go angling with "Scrutator," east or west, and divide with the Government the suffrages of any county we may visit, if I do not beat them in them all. Sir, the only "influence" I have ever sought or now possess, is the influence arising out of principles steadily and consistently adhered to. If the Liberal party had meditated or done what is charged upon them in this despatch, the dishonour would have rested upon them and not upon me. But a cartload of despatches would not make me believe it or induce me to harbour a suspicion that my learned friend from Cape Breton acted unfairly in the negotiation into which he was drawn. That gentleman and I started from different points in life, with different friends and adverse opinions; we contended in this arena till we understood each other and until the true principles of colonial government were developed by our collisions. In 1840 we embraced them in all sincerity; for three years we worked harmoniously in the same Government, retired for the same cause, and although I know and appreciate the difficulties and the arts by which my learned friend has been surrounded, I must have better evidence than the testimony of our opponents, whose object is to sow dissension, before I suspect him of dishonour. To him and to all with whom I have been associated, I am much indebted for the manly firmness they have displayed.

I feel, sir, that I have trespassed too long on the time of this committee, and I thank them for the attention with which I have been heard. Let me say in conclusion that as throughout my life I have valued office and honours lightly, so at this moment there is nothing of personal interest that would induce me to oppose the Government for an hour. I have contended—I am now contending, for principles, for a system, which I believe, if worked out with discretion and good faith, will bind these colonies to the parent state for a century to come. It is because these principles have been violated, because their old enemies are in power, that I am in opposition. It is by a departure from principle and an attempt to proscribe a British subject that I have been driven to this defence. The principles involved here are illustrated by the history of our race. Had Charles the First not acted on likes and dislikes; had he not yielded his confidence to supple favourites, and proscribed the men acceptable to the nation, Lord Falkland's ancestor might have died a minister of state instead of on the field of battle, and the monarch might have saved his head. What was the principle settled in 1688? It was this,—that no man should thereafter be proscribed for opinions or crushed by court intrigue; that every

British subject should be eligible to office who possessed the confidence of the nation. If the Sovereign were to-morrow to announce that she would not have a particular statesman in her Cabinet, the people of England would with one voice address her thus: "Please your Majesty, we care not for the man, but there is a principle involved in this proscription which lies at the foundation of our freedom." It is thus I feel. I care not for myself; but let the people of Nova Scotia show less firmness and intelligence, and there will always be somebody to hate, or to proscribe; the Sovereign's representative will never be free from personal squabbles, and constitutional government will be at an end. Sir, I deny not to Lord Falkland the right to govern this country, so long as a majority, however small, sustains his administration. I question not his right to use every constitutional means to form a Council without me or any other man who he believes ought not to be included. But I deny his right publicly to denounce a British subject within or beyond the limits of his Government. I question the policy of splitting Councils by injustice; propounding principles and demanding stipulations which nobody can understand; employing Government scribes to defame public men, and then proscribing them for manly self-defence. I question the policy also of conducting public business with slender majorities. We have the authority of Lord Melbourne, confirmed by Sir Robert Peel, that a weak Government is a bad Government. A contrary opinion has been expressed here, founded on the belief, that from a weak Government any man may get what he desires. The same may be said of a weak woman; but surely the strength of virtue and of principle is to be preferred—strength to do what is right, to resist what is wrong. In conclusion, allow me to say, that whatever may be the decision of this committee, where I stand opposed by the whole influence of Government, I believe that I have met every charge by a triumphant answer; that those who have forced this defence upon me, and not I, will live to find their conduct universally condemned. For my part, I feel as a man may feel across whose path a noble tree has fallen; though in its descent his garments may have been soiled and his life endangered, he turns to gaze with regret on the pride of the forest, fallen from its high estate, its roots lacerated and torn, its stately branches crushed, and its foliage fluttering on every passing breeze.

Ten days of animated discussion followed the delivery of this speech, into which all sorts of topics, relevant and irrelevant, were drawn. Mr. Howe was not spared. Every member and supporter of the administration had a fling at him, and a stranger who wandered into the lobby might have supposed that he was a maniac, who had attempted to cut Lord Falkland's throat instead of a well-disposed person, as is now universally admitted, who was teaching his Lordship the first principles of administration—the science of colonial

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government. On the eleventh day of the debate—February 24th—Mr. Howe took the floor, and for some hours made the House merry at the expense of the Government and its supporters :

MR. CHAIRMAN,—There is a good story told of an Irishman who was put in the pillory for saying that the city authorities were no better than they should be. He bore the infliction with exemplary patience, and severe enough it was ; for every silly fellow who expected an invitation to the Mayor's feast, every servile creature who aspired to a civic office, strove to win favour by pelting him with conspicuous activity. When the hour expired and a goodly array of missiles had accumulated upon the stage, the culprit, taking off his hat and bowing politely to the crowd, said, "Now, gentlemen, it is my turn" ; and, commencing with his worship, pelted the crowd with great dexterity and effect. The Irish, who always relish humour, were so pleased with the joke that they carried the man home on their shoulders. I have no expectation that my fate will be quite so triumphant, but no gentleman will question my right to follow the example. I have sat for ten days in this political pillory ; missiles of every calibre have hurtled around my head ; they have accumulated in great abundance, and if my turn has come, those by whom they were showered have no right to complain. As first in dignity, if not in accuracy of aim, perhaps I ought to commence with the learned and honourable Crown officers ; but there is an old Warwickshire tradition that Guy, before he grappled with the dun cow, tried his hand upon her calves ; and perhaps it would be as well, before touching the learned Attorney-General, that I should dispose of the strange progeny his political system has warmed into existence. The eagle, before he lifts his eye to the meridian, learns to gaze with steadiness on the lesser lights by which he is surrounded ; and as "Jove's satellites are less than Jove," so are the learned leader's disciples inferior to their master.

I confess that I am a little at a loss with which to begin ; but following the order in which they have spoken, the first favour is due to my honourable friend from the county of Pictou [Mr. Holmes]. That gentleman and I have long been opposed in this Assembly ; we never agreed but once or twice, when I was in the Government ; and then I fear I owed his support to his habitual reverence for the powers that be. But I confess that I received it with strange misgivings ; finding myself seated beside him, once or twice, in the edge of the evening, I half fancied I must be wrong, for during a very long experience I had rarely known him to be right. He told me there was "nothing in my speech" ; I will not pay so poor a compliment to his own, but may say it was very like a page of Ossian, smacking of "the times of old," but having nearly as much bearing on the practical business of life. To my honourable friend's manliness and courtesy I am willing to bear testimony ; but his reverence for the past makes him a very poor judge or expounder of the new principles : like Old Mortality he delights in haunting ancient places and refreshing broken tombstones ; while the stream of life goes by and the flowers bloom unheeded

at his feet. He fears that we dislike "the ungenial soil of opposition," but we stand upon it still, regardless of the example he set us in 1842, when we found him, despite the admonitions of his friends, abandoning the "ungenial soil" and coming over to the richer mould of the administration. He proclaims that the Liberals are chargeable with the public debt. This I deny. The whole public debt was created in those good old times on which he loves to linger, by the very party with which he has ever been connected. Has the honourable gentleman forgotten, that in those halcyon days £30,000 was lost in a single year, by a contest about fourpence a gallon upon brandy; that £30,000 more was wasted upon the Shubenacadie Canal and no man called to account? From 1837, when the Liberals acquired the ascendancy in the House, down to the present hour, not a pound has been added to the permanent burthens of the country; while the expenditure on all fitting occasions has been carefully reduced. The principle which we avowed eight years ago is the principle which guides us now. We shrink not from anticipating revenue for important public improvements, but contract no debt that is not to be paid off within two or three years. It would have been well if those who are so lauded by my honourable friend had been governed by as wise a rule.

My honourable friend found fault with me for my reference to David, and told me that that great and good man "raised not his hand against the Lord's anointed." Neither have I. I have not killed Lord Falkland, but I have shown him as David did Saul the folly and negligence of his advisers. When the drowsy guards left the master they should have protected at his mercy in the cave of Engedi, David cut off the skirt of his garment, to show the imbecility of the statesmen and warriors by whom he was surrounded. Again, when his crown officers slept in the trench, David removed the pitcher and spear from the King's side, to prove their incapacity. These innocent contrasts between the vigilance of the man he had injured and the parasites who inflamed his passions, had the desired effect; for we find Saul exclaiming,—and who knows but that his Lordship may follow his example,—“Return, my son David; behold I have played the fool and have erred exceedingly.”

The honourable gentleman reminded the Opposition that Lord John Russell supports good measures when Sir Robert Peel brings them down. We would do the same if any were brought. But our complaint is that his Excellency conducts the government of this country with half a Council, who in two sessions have introduced no measures at all. But did my honourable friend ever hear of Sir Robert Peel complaining that he could not conduct the government on his own principles because the Whigs would not help him? Did he ever offer them seats in the Cabinet to sacrifice a leader, and then denounce him and abuse them when the sage proposition was refused? We are told that my friend, Mr Uniacke, was not the leader in the last House. He was; if he bore his honours with less ostentation than his successor, he was the acknowledged leader of the Government from 1840 to 1843, and that rank was cheer-

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fully yielded by his colleagues. My honourable friend tells us that my popularity has declined. Perhaps so; but he forgets to add that if it has, I lost it by supporting Lord Falkland's measures and Lord Falkland's Government; by sharing the unpopularity of those with whom I was associated and who have made so ungrateful a return. But is this House the test of any man's popularity now? We all know it was returned before Mr. Almon's appointment, before the retirements, before the proscription. The people of Nova Scotia have had no opportunity of pronouncing a judgment upon these acts of folly; when they have, we shall see whose popularity and influence have declined. The honourable gentleman gave us a lecture on decency, but if he turns to my comparison again, he will find nothing which the most fastidious taste would reject. His namesake was condemned by the fanatics of Edinburgh for writing the play of "Douglas"; the critics have perished, but the drama still lives. I am surprised that the honourable member reads no lectures to his learned friends, who are greater transgressors than I; and that he should have forgotten that *The Pictou Observer*, the organ of his own party, was remarkable for disgusting obscenity. I must now part with my honourable friend, whose joke at Mr. Uniacke's expense might have been spared, had the member for Pictou remembered that the reflection conveyed on the piety and sincerity of the Presbyterians of that fine county was most undeserved; although the wags do say, that in his own person, by a similar stroke of policy, the Anti-burghers lost a member and the Kirk secured a deacon.

Let me now turn to an opponent of a different style of mind; one with less originality but higher "pretensions." That I should have lived to be charged with "vapid declamation" by the honourable and learned member for Hants [Mr. Wilkins] was most unlooked for. I had nerved myself for everything else, but that quite overcame me. He, whom I have seen day after day clear these benches, until you, Mr. Chairman, sat like a solitary victim, he, whom the venerable President of the Legislative Council assured that he was not the only sufferer, when he complained of fatigue after a long oration; he, whom I heard thus accosted by one of his own constituents at the Nine Mile River: "Are ye never gaun to be done, sir, and let the ither man gie us a screed?" Has it been my misfortune to out-Herod Herod, to appear tedious to the ears of him who wearies everybody else? That gentleman and I met on several occasions last summer, and although the argument may have been all on his side, the freeholders were generally on mine. He published his speeches subsequently, and I was strongly tempted to issue a new edition of them with this title: "Speeches of L. M. Wilkins, Esq., which did not convince the people." Vapid declamation! Oh no, sir, I cannot admit the learned gentleman to be a judge even of the article in which he deals. It has been said that language was given us to conceal our thoughts; if so, there has been sinful profusion in the case of the learned gentleman, who has one living language and two or three dead ones; yet so very few thoughts to conceal. He said that I gave the House specimens of tragedy, comedy and farce. I regret that

he has given us neither. The only character to which he aspires is that of the fine gentleman in the vaudeville; but even that he dresses with too much pretension and plays with little ease. His form wants the rounded symmetry; his features the dignified repose; his mind the playful energy which are essential to the character. He is too "fussy." He might pass for a scholar but for his pedantry, and for a fine gentleman but for his pretensions. The learned gentleman appears to have leaned over the Castalian Spring, not to slake his thirst or arrange his robe to set off the harmonies of nature, but to fall in love, as Narcissus did, with his own image, and die with admiration of himself. The learned gentleman favoured us with a lecture on good-breeding, the gist being summed up at the end where he declared that any man was a gentleman who took off his hat to him. One thing which he said certainly did astonish me: "I will not extend my hand to or sit at the festive board with the man who lampoons a Governor." Here is a social proscription with a vengeance! How shall any man exist who has to cut his mutton without the light of the learned gentleman's countenance, and from whom his gloved fingers are withdrawn? But is the learned gentleman consistent in his reverence for authority—with his virtuous hatred of those who write lampoons? This committee, this community, know who was the reputed editor of *The Pictou Observer*, and they will judge by a very few passages whether that gentleman's own near relative has not committed the unpardonable offence.

Here Mr. Howe read a variety of extracts from *The Pictou Observer*, a paper said to have been edited by Mr. Wilkins's brother, in which Lord Falkland was accused of degrading his office by uncovering his head and holding the Prince de Joinville's stirrup while he mounted his horse; of going in plain clothes to a ball on the Queen's birthday, and having a foreigner for secretary who might purloin official correspondence; of endeavouring to concentrate all the power of government and legislation in his own hands, &c. He also read scurrilous extracts reflecting on the House, the Legislative Council and the Colonial Secretary.

Now, Mr. Chairman, will it be believed that the learned member from Hants has maintained a brotherly intercourse with the person who openly countenanced, if he did not write these, and dozens of other attacks upon the Lieutenant-Governor? But, sir, there is another passage in which it is said Lord Falkland "has not only the bend sinister on his escutcheon, but on his heart." Little skill in heraldry is required to understand the malignant indelicacy of that allusion; and what shall we think of the man who would introduce the slanderer, not to his own board, but into the bosom of the Lieutenant-Governor's family, after such an outrage? This was submitted to because the learned member's vote could not be done without. I leave him and his party to reconcile these facts with their vehement regard for the honour

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and feelings of the Lieutenant-Governor. The people of Nova Scotia will probably come to the conclusion that jokes and lampoons are very innocent things when they come from the right side and the right family.

All this has been forgiven and forgotten ; but I am to be remembered even when a new Governor arrives. Though he may "not know Joseph," he is to be told of his misdeeds, though Martin's are to be "cast discreetly in the shade." The learned gentleman tells me that I closed the door upon myself ; but what are the facts ? That my friends and myself walked out of the door because we did not like the doings within the premises ; when immediately a cry of burglary was raised. The learned gentleman asks, "Is not the Governor to be the judge of his own honour ?" Were we not to be the judges of ours when false and defamatory charges were raised against us ? Were we to shrink from necessary self-defence ? It is said that President Polk would not admit a man to his Cabinet who had laughed at him ; but what does this prove ? The superiority of British to American institutions, making, as they do, the will of the nation superior to that even of the chief magistrate. The learned gentleman favoured us with the case of a gallant colonel, known to us all ; but I intend to show that it was a most unfortunate illustration. His was an offence against majesty ; against a lady and a Sovereign, unprovoked, gratuitous, gross. But even that has been forgiven and forgotten in the same reign ; the officer is at the head of his regiment again, and Her Majesty has one soldier the more, and one sullen and discontented subject the less. But what was said of the informer ? What does Sam Slick say of him ?—

"Tho' I was born in Connecticut, I have travelled all over the thirteen united universal worlds of urn, and am a citizen at large. No, I have no prejudice. Now, men that carry such tittle-tattle ; no, I won't say men nother, for they ain't men, that's a fact ; they don't deserve the name. They are jist spaniel puppies, that fetch and carry, and they ought to be treated like puppies ; they should have their tails cut and ears cropt, so that they might have their right livery.

"Oh, how it has lowered the English in the eyes of foreigners ! How sneakin' it makes 'em look ! They seem for all the world like scared dogs ; and a dog, when he sneaks off with his head down, his tail atween his legs, and his back so mean it won't bristle, is a caution to sinners. Lord, I wish I was Queen.

"But without joking, though, if I was Queen, the first time any of my ministers came to me to report what the spies had said, I'd jist up and say, 'It's a cussed oninglish, onmanly, niggerly business, is this of pumpin', and spyin', and tattlin'. I don't like it a bit ; I'll neither have art nor part in it ; I wash my hands clear of it. It will jist break the spirit of my people. So, minister, look here ; the next report that is brought me of a spy, I'll whip his tongue out and whop your ear off, or my name ain't Queen. So jist mind what I say ; first spy pokes his nose into your office, chop it off and clap it over Temple Bar, where they puts the heads of traitors, and write these words

over, with your own fist, that they may know the handwritin', and not mistake the meanin', '*This is the Nose of a Spy.*'"

Let us treat our Nova Scotian spies and informers after the same fashion and this is the last time that the formation of a Government will be perplexed by questions of personal feeling.

But, sir, suppose that on the very morning after the story had been carried to Her Majesty, this gentleman had stood at the head of a majority of the House of Commons, however deeply wounded the Sovereign might have felt, she could not have refused to that officer her *political* confidence. Such is the noble Constitution of England; fostering public spirit and giving free play to the expression of sentiment; and the instance the learned gentleman has selected, only proves that he has the A B C of the Constitution yet to learn. The Sovereign, we are informed by the same speaker, is the fountain of honour and cannot insult an individual. If this be true, then must it follow that the Sovereign cannot receive or notice or revenge an insult. He says he disapproves of sending down confidential correspondence, but that this is a "great crisis." If so, what produced it? Six gentlemen seize the ship of state and throw half the crew overboard. After trying their seamanship for a time and getting among the breakers, they call over the side to know if their old mess-mates will not get on board and help them; but they require a pledge that they will not break open the spirit chest or cut away the mainmast. The men in the water consider this adding insult to injury, and decline. The weather gets worse and the mutineers more frightened, and they propose to let one fellow drown and take in all the rest. This touches the honour of the tars and they reply, "We will sink or swim together." Then there is a dreadful outcry on board the ship; "a crisis" is proclaimed; all sorts of trash is written in the log, and sent by way of complaint to the owners.

The member for Hants tells us it is "the nature of his temperament to be excited." I should complain less if he had the power of exciting other people. The House decided, says he, "emphatically" that Mr. Almon's appointment was judicious; but as they only decided by a majority of one, even if the emphasis was in the right place, it was not very impressive. But we on this side hold that there was a decided false quantity in the sentence, and prefer appealing to the grammarians in the seventeen counties of Nova Scotia, who, fortunately, have the power to correct our errors. I must confess that nothing surprised me more than the learned member's lecture on indelicacy of expression; he, sir, who has every line of Ovid at his finger-ends; he whom I have seen gloating over the gross obscenities of *The Pictou Observer*. His practice, even in that speech, was strangely at variance with his principles; though Angelica was first introduced in the "cold abstract," gradually she began to glow beneath the heat of his imagination until, like Pygmalion's statue, she sank into his arms in all the freshness of health and passion. She had not been long there, however, before he began to give her a bad character and declare that he could not tell whether she was a harlot or an honest woman.

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I will not undertake to decide, but think that responsible government, or Angelica,—for that seems to be the fancy name,—will be very apt to be judged by the company she keeps. Before passing from this topic, I may as well caution the learned gentleman not to set himself up for a moralist until he reforms a little; and when he preaches sermons on delicacy, to be a little more choice of language or we shall have to apply the lines to him which Juvenal aims at Creticus:

“Nor, vain Metellus, shall
From Rome’s tribunal thy harangues prevail
’Gainst Harlotry, while thou art clad so thin,
That through thy cobweb robe we see thy skin
As thou declaim’st.”

The learned gentleman, with a solemn invocation to Nemesis, asked me if I quailed before the “air-drawn daggers,” the whirlwind, or the “false fire” by which I was surrounded? He shall be my judge. Three times I met him in his own county last summer; he knows which of us shrunk from the encounter or won the victory. He has seen me here for the last ten days; he sees me now. Do I quail? No, sir, I take my stand upon the constitution of my country and all the powers of darkness cannot disturb my mind. But oh! sir, I should like to see him in my position, with an arm-full of despatches heaped upon his head; with a Governor and all his patronage to sap and mine him; with two Crown officers and half-a-dozen lawyers in his front, and tag-rag and bobtail in his rear; perhaps he might comport himself with more dignity than I do, but I confess I have my doubts. The reference to my pilgrimage to Downing Street came with an ill grace from him. When I went to Downing Street some years ago, I went as a private gentleman, at my own cost and charges. My colonial character was my only introduction, and I received more courtesy and kindness than I deserved. When that gentleman went on his pilgrimage, as my learned colleague wittily reminded him, the Province paid for his staff and scallop-shell; £500 sterling was drawn out of the revenue of this country to furnish his scrip; and his errand was hostile to the public interests and to the wishes of the people. The learned gentleman cavils at my imagery and tells us that Lord Falkland stands like an English oak, verdant and vigorous. I will adopt the figure and admit that he stood so once; but I fear that the insidious ivy, the parasite plant, and other creeping things, have so wound their tendrils around him, that though there is the outward semblance of a tree, the core is decayed and the fountains of life withdrawn. But, Mr. Chairman, I have lingered long enough with the learned member from Hants. In closing, I may as well give him a line or two of plain English, in return for all his Latin. They were addressed by a great poet to a great king, but always come into my head when the learned gentleman draws towards the close of one of his “vapid declamations,” and I long to exclaim—

“At length, proud Prince, ambitious Lewis, cease
To plague mankind.”

In turning to the almost incomprehensible harangue of the honourable member from Colchester [Mr. Ross], I would just beg to remind him that though allowed all summer to circulate over his county pamphlets and printed slips, filled with egotism and misrepresentation, he must not expect to take such liberties here, without instant castigation and exposure. Though I cannot always follow him into the back roads of Londonderry or Earl Town, when I have him here where there is no equivocation and no escape, I will not allow him to deal in absurd charges and gross misstatements of fact. That gentleman commenced his speech with the declaration that the Government, while I was in it, attempted to force the Sheriffs Bill on the country. He knows there is not a word of truth in this statement; that the Sheriffs Bill was not a Government measure, and that members of Government voted independently in both branches of the Legislature. But surely that gentleman ought to be the last person to oppose an alteration in the mode of selecting sheriffs. He has been, for the last seven years, at war with those in his own county, sometimes petitioning the House to change the law; sometimes petitioning the Chief-Justice to remove the officer; and once, I believe, he actually collared the sheriff within the purlieu of the court. [Mr. Ross: No.] Then the sheriff had to collar him, which is sufficient for my argument. He fears that by giving the power of appointment to the Executive, we should have political sheriffs.

But what have we now? What had we under the old system, when almost every sheriff was a Tory, and thirteen or fourteen belonged to a particular Church? The honourable gentleman tells us that the Attorney-General deserves a monument for opposing the bill. Much as we differ in politics, I have no desire to have the learned Crown officer qualify for such an honour; but should he depart this life, I have no objections to the monument, or to an epitaph by the honourable member from Colchester, provided he tell the truth. Of course it would run in this fashion:

“Here lies the man who split Lord Falkland’s Council by the appointment of his brother-in-law.

“Here lies the man who denounced party government, that he might form one; and professing justice to all parties, gave every office to his own.”

The true character of the mind of the honourable gentleman from Colchester was shown by the petition which he brought here the other day. It was signed by eighty names, and his object was to make this House believe that all those people had been deceived into signing an address to the Governor and were sorry for what they had done. When the facts came to be explained by the honourable member for Londonderry, it turned out that only five or six of the eighty had signed the address at all. The honourable gentleman accuses the Opposition of “obstructing public business,” but he knows that both in the winter and summer sessions the public business was chiefly done by the Opposition. I tell that gentleman that during eight years that I have sat in this

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Assembly, whether the Liberals were in the Government or in the Opposition, they have invariably despatched the public business and regarded the interests of the country. I confess I could not but smile when "the member for Colchester" produced a letter of mine to the freeholders of Londonderry the other day, and complained so loudly of the misrepresentations of the press—he, sir, who floods the country with trash which either proves his ignorance or the grovelling malignity of his disposition. Why did I write that letter of which the gentleman complains? Simply because he had written this pamphlet [Mr. Howe produced it], in which, among other honourable instances of his veracity, was the assertion that the Liberals had added £3000 a year to the expenses of the Civil List. This House knows that there is not a word of truth in this statement; they may not know that the last election for Colchester was carried under a cloud of doubt and prejudice, created by such reckless and discreditable assertions as these. The same system is still continued. During the last summer the honourable gentleman published and circulated six letters, which he did me the honour to address to me. I never read them till the other day. In point of style and argument they are beneath contempt. They are only remarkable for gross misstatements of fact and for ridiculous self-commendation. I hold one of them in my hand, in which, after reciting a number of wonderful feats that nobody ever heard of the gentleman performing or thought very much of if he did, he asks, "Who did all these things?" and answers, "the member for Colchester." One would really suppose, to read this letter, that the member for Colchester was a greater man than Cæsar, and spent one half the year in performing singular exploits and the other half in writing his own commentaries. I allowed these letters to circulate for nine months without taking any notice of them, because I knew that I should by-and-by have the author here, before this House, before the whole country, when a plain statement of facts would put him to shame, and show to his constituents the real character of "the member for Colchester." In one of these letters he stated that I fobbed £1050 for fifteen months' service as Collector of Excise, when he knows that, deducting the salaries of clerks and expenses of office, I received but £746 for nearly sixteen months, to say nothing of a month spent in preparing accounts after I left the office, leaving me a trifle over £500 a year for the whole time spent in the public service. His statement on this point, then, is without the shadow of foundation. But contrast my charges with those of my predecessors in office, of whom nothing is said because they belonged to the honourable gentleman's own party. I charged £1050 for sixteen months; they charged £1002 for eight months, yet the member for Colchester never complains of them to his constituents. Again, the honourable member accused me of underpaying the first clerk and giving him but £125 for fifteen months; but he knows that I raised that gentleman's salary when I entered the office, giving him one-fourth more than he had received from Mr. Binney; that I paid £166, and not £125, or £40

more than he would have received if I had never accepted the appointment.

These are specimens of the honourable member's style of misrepresentation. I defy him to disprove a word I have said, or to escape from the disgrace of such conduct. He has endeavoured to swell my emoluments by charging me with interest on the moneys which lay in my chest. His calculations on this point are equally inaccurate; but I may say this, I might by law have accumulated much larger sums than ever lay in the chest; that I never held an amount equal to half the sum for which I had given good bonds to the Government; and that the rule which the honourable gentleman is so anxious to apply to me was never applied to any other officer in Nova Scotia. When it is, I have no desire to escape from its operation. There is another gross misstatement in this letter, where the honourable gentleman complains of some report in *The Nova Scotian*, or *Morning Chronicle*, and adds that Mr. Annand was paid for publishing the debates. He knows, or ought to have known, that that gentleman never received a farthing for printing the debates or touched a sixpence of the public money. I make these few references to show the character of these letters and to caution Mr. Ross hereafter to make no statements to the people of Colchester which he cannot defend in this Assembly.

[Mr. Howe here referred to Mr. Ross's address to the freeholders in 1841, and read the following passage:

"Mr. Howe's exertions to reform and assimilate our institutions to those of Great Britain, deserve not only the approbation, but also the sturdy support, of all who wish prosperity to the colonies. It is his misfortune, however, that the democratical points of our constitution, which are the safeguards of our liberties, and which *he* wields for that purpose, are by some who are found in his ranks, seized upon for the purpose of banishing every trace of monarchy from our institutions.

"The only responsibility which, as a colony, we can expect to introduce, is to make the heads of departments, paid by the colony, amenable to the House of Assembly, by holding a seat in the Executive Council, *ex officio*."

That was the honourable gentleman's opinion of me at a time when he hoped to get a seat in this House under the cover of my name; such were his opinions of responsible government and heads of departments before the Baptist quarrel had divided, to some extent, the Liberals of Colchester. It is for him to explain how it happens that he is here to-day a party to a contemptible proscription of the man he lauded in 1841; how he now opposes the very system which he then pledged himself to carry out? The honourable gentleman reminded me the other day that I had spent four or five days in Colchester this summer, and wondered I had not called a public meeting and "toed the mark," as he phrased it. I engaged, on my way to Cumberland, to attend two meetings in Hants; I intended to have crossed the bay from

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Londonderry, but was disappointed. At Truro I received letters, and found I had two days to spare. I spent them delightfully at Truro, among old friends and pleasant scenery, without once thinking of the honourable gentleman. I had the Attorney-General, Mr. Stewart and Mr. Wilkins upon my hands about that time, and really could not descend to "the member for Colchester."

There was a sportsman in the east, who once fired at a goose simultaneously with an Indian. He bagged the bird. The Indian looked at him, and said, "You from Truro, ain't you?" "No," said the man; "I am from Pictou." The Indian shook his head, and replied, "Pictou man never shoot a dead goose." Now, the honourable gentleman will pardon me, but when the address was sent to Lord Falkland, signed by fifteen hundred of the yeomanry of Colchester, I considered him politically slain, and I had no desire to "shoot a dead goose."

In turning to the remarks of the honourable and learned member from the town of Halifax [Mr. A. M. Uniacke], I may observe that circumstances which neither of us could control have made us colleagues. It is for the interest of our constituents that we should treat each other with frank courtesy; and I will say, once for all, to the honourable gentleman, that if he can say no good of me he might as well let me alone. He says he understood in July that I was willing to retire. If so, I put it to him as a man of honour, if that ought not to have been stated to Lord Stanley, and if the impression should have been made that I was the difficulty and the obstruction? The learned gentleman charged upon me an irreverent contrast of myself with the Saviour; but if he had referred to the passage,—and he ought to have made the reference or not have made the charge,—he would have seen that I but contrasted the sacred precept with the sentiments of the Attorney-General. But, sir, even on this point I am prepared to meet the learned member, and show him that the organ of the Government he supports did the very thing which, without a shadow of foundation, he charges upon me. [Here Mr. Howe read an extract from *The Morning Post*, in which an irreverent contrast was made between the Saviour and the Attorney-General.] My learned colleague also read us a lecture on charity, without which, he said, "all else was as sounding brass and tinkling cymbals." I may deserve the censure, but this I will say, that when I am entrusted with the dispensation of public charity, I do not give two bushels to my friends and one to my foes. He made a reference to my letter to Mr. Hincks, and I am glad of it, because it gives me an opportunity of refuting a charge made during the summer session by the leader of the Government. I had not the letter by me at the time, but shall now read the passage and defy either gentleman to point out an error if they can, despite the Attorney-General's impassioned appeal to the "fifty witnesses"—now that I have the letter in my hand, I know that he can justify neither his animation nor his argument. [Mr. Howe read the extract referred to and defended its correctness.] With respect to the member of

Council to whom he probably alluded, in reference to the "Constitutionalist's" letters, if that gentleman says he was not present, I will take his word, but at this moment, my impressions are different.

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Mr. Howe then exhibited a list of the county magistracy, by which it appeared that in 1840 there was not a Liberal magistrate within the township of Halifax, and but three or four in the whole county; that now the Conservatives had one-half, although they were a minority of the population; four or five of the recent appointments being from one side, it is plain that we were getting back to the old system of exclusion and injustice; and one of those appointments was a disgrace to the Government and to the county. He handed the list to Mr. Uniacke, that the statement might be tested. He concluded his reference to that gentleman's speech, by showing that while he now contended that the Governor could not sit in Council with a person who had offended him, he had himself, in 1842, gone with a committee to invite Lord and Lady Falkland to a public ball, when the Mayor, who was to do the honours, had just been dismissed from the Governor's staff, for some personal affront.

The learned member for Lunenburg [Mr. Owen] next claims attention. He is not, perhaps, the wisest or the worst of Lord Falkland's band of doughty warriors, but is quite a curiosity in his way. He talks of "agitation polluting the country," but did he ever think of that when his friend the Attorney-General went agitating? Oh no; agitation was a medicine then, it is a poison now; it was right to drug the patient to death, but it is not right to shake him to counteract the effects of the dose. I caution the gentleman to have a care that the "pollution" does not extend to his own county. Hitherto, the hardy Germans of Lunenburg have been placed in opposition to Liberal opinions. Circumstances have done this and not, as I believe, the firm convictions of the mass of the people. The Germans, everywhere, are lovers of freedom, manliness and fair play; and I have no doubt, when the freeholders of Lunenburg come to understand the line of conduct that learned member has pursued, that they will teach him a useful lesson. Surely he is a strange representative either of their brains or their bodies. When, the other day, swelling with the greatness of his theme, he talked to us of the leaves of pine trees, of Niagara and Indians and of everything else that had nothing to do with the subject, he reminded me of a miniature balloon that I once saw gradually filling with gas at the Cremorne Gardens; and as the learned gentleman reached the highest point of inflation, I really feared he would have gone up through the ceiling, and been lost to the world for ever. His imagery is not, I regret to say, always true to nature; and sometimes, when he fancies

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he is most sublime, his audience perceive that he is most ridiculous. Where he discovered the "leaves" of "pine trees" I know not; but I do know what he set me thinking of when he introduced the falls of Niagara upon the scene: of the little tailor who, when he stood beside them,

"——only made this note,
'Oh, what a place to sponge a coat!'"

He told us that we "were not bound to weigh every word in Lord Falkland's despatch." But ought not every word to have been weighed before it was sent. A Governor who conceals the whole truth; who draws strong conclusions from premises which exist only in his imagination; who unfaithfully represents to his Sovereign the state of the Province entrusted to his care, surely commits a greater offence than he who scribbles a pasquinade. It amused me much to hear the learned member for Lunenburg criticising the press and complaining of lampoons. Why, it is shrewdly suspected that he edits one of the Halifax papers during the session; and I can scarcely open one in which I do not find something that Mr. Owen said, or some correction of what he meant to say, very pompously introduced. And as to lampoons, the gentleman actually had the good taste to show me one of his own composition, in the Speaker's room last winter, that I might read my fate in manuscript before I was annihilated in print. So far from taking the matter as gravely as my Lord Falkland does, I only smiled, not at his wit, but at his want of it; and I do assure him, that if I had been forming a Council, and he had been otherwise suitable, instead of adding pungency to his satire by a silly proscription, I would have taken the sting out of his lampoons by offering him a seat.

The learned gentleman told us that I was never "guilty of the sin of forbearance." Sir, he little knows how often I forbear. As Burns has it, he "may ken what's done, but seldom what's resisted." He rarely rises here to make a speech full of unintelligible nothings, but that my forbearance saves him a lashing; and for every pasquinade let off in the faces of his party the Liberals have a dozen in reserve. "The Lord of the Bed-chamber" is complained of; but we gave them only the first part of it; I hold in my hand the second fyte, which is much more racy than the first, and the whole poem might, but for our "forbearance," have extended to the length of "The Lady of the Lake." But, sir, we take no delight in flagellating our enemies. If I take the lash in hand, it is generally with the indifference of a drummer, who but executes, upon some incorrigible offender, the sentence of a court-martial. "But," says the honourable gentleman, "this is not the day for the member for Halifax; his dream of power is gone." Well, it may be so; this may be "the day of small things" for me—the day of the triumph of small minds. This may be the day when the live donkeys are to rear their heels against the lion they fancy politically dead. Let them have a care that he does not come to life. "Dream of power!" Sir, how poor an interpreter the learned gentle-

man is of my dreams ; how little he understands what I call power. Power ! to sit at a round table and make magistrates and commissioners of schools—power ! to be followed and fawned upon by such holiday insects as the learned member for Lunenburg, who would change into gadflies with a change of wind. Power, sir ! I would have that gentleman know that I have power over him at this moment,—the power which intellect gives over imbecility, and from which he cannot escape ; and that I do not hold political power by the frail tenure of a disingenuous despatch, but by the unpurchasable faith of an intelligent and free people.

The honourable gentleman has favoured us with his views of responsible government, and has rung the changes upon the figure in the Toronto speech. The lovely Angelica will soon resemble the woman in Scripture, who was married seven times, until it was difficult to tell who had the fairest claim. She has passed from the hands of the Speaker and the learned members from Hants and Kings, but I fear her charms are fading, as I find her under the protection of the learned member for Lunenburg. He tells us she has been the cause of all our troubles. I fear if she keeps company much longer with the Tories, she will not only suffer in reputation, but produce a mongrel progeny. The learned member will pardon me for reminding him that Helen was the cause of no trouble till the false Trojan stole her from her friends and from her natural guardian. It was the rape, the outrage, that roused the States of Greece, levelled the walls, and destroyed the warriors of Ilium. Let the Tories, who have stolen our Angelica and so degraded her that they cannot themselves decide whether she is a wanton or an honest woman, be assured that we will never lay down our arms till the fate of Toryism resembles that of Troy. The learned member assures us that "the Governor has used all his industry to get some gentlemen out of our ranks." Who doubts the fact? Who does not appreciate the motive? But where are the proofs of his success? Where is the evidence that his skill has been equal to his industry? Where are the proofs that his own account of his labours is not a tissue of misrepresentation from beginning to end? But, sir, I have wasted too much time with this learned trifler ; with one lesson more I must pass him off the stage. He complains that the farmers and blacksmiths discuss political questions and pronounce opinions upon responsible government? Why should they not? Why should the men who live by labour give up the country they beautify and improve to the sole management of those who live by law? Why should the farmers and mechanics of Lunenburg, who have enriched the county by their industry, hand over their right to thought and action on their highest earthly interests to the gentlemen who live by the sweat of their brows? If the learned member means that the spread of political information has relaxed the industry or injured the morals of the people, I deny the fact. There is less of dissipation, less of brutality and vice in Nova Scotia than there was ten years ago ; the habits of the population have improved just in proportion as their political privileges have

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expanded. If the learned gentleman means that farmers and mechanics ought not to interfere in politics, because their intellects are more obtuse than his own, I tell him that I will take a dozen young men from the forges in Halifax, who with a sledge-hammer in one hand and a hot horse-shoe in the other, shall deliver a better speech on responsible government than he can make after a month's preparation.

In approaching the speech of the honourable member from Guysborough, [Mr. Marshall], I may remark, that as he prefaced it with an assurance that he did not desire to be personal, as he promptly answered that he did not refer to me, while using strong language and making general charges, I shall endeavour to pursue a similar course and deal only with his arguments. The honourable gentleman complains of over-expenditures in 1842; but after all, they were over-expenditures on roads and bridges, on the best service of the country. If any wrong was done, he should remember it was done under the administration of Lord Falkland; and that those who now surround him and receive the honourable gentleman's support formed a majority in the administration. The honourable gentleman has referred to a case of defalcation, but knows that that occurred under the administration of Sir Colin Campbell, and that when it was brought to the notice of the Government and the House in 1842, every proper step was taken, while acting with fair consideration to the party, to secure the public interests. The debt will, I trust, be ultimately paid; but if it is not, the gentleman will bear in mind that it was chiefly contracted before responsible government was introduced. The honourable gentleman also complains of the costly system by which colleges have sprung up. I acknowledge the force of the argument, but he ought to acknowledge that, while I have long since repented of any share I had in that system, the Attorney-General and his peculiar friends still cling to it with singular tenacity. The member from Guysborough said, that if the Governor knew of the letters which have been referred to in this discussion, he was entitled to no confidence. On that subject my written statement stands uncontradicted before the House and before the country; it has not been and cannot be denied. The honourable gentleman ought to remember, when he undertakes to censure public writers, that I first incurred the penalty of his dislike by striking out the most violent passages of a series of letters which he was addressing to one of the Provincial judges. He says that his opposition to the new system arises from a fear that it will bring improper men into this Assembly. But it has been in operation four years; we have had a general election since then, and apart from political bias, let him look around these benches and see if he can discover anything to warrant his apprehension; if he can select a man who if not the fittest, is not a fitting representative of the intelligence, experience and integrity of the district in which he resides. One observation which the honourable gentleman made was perfectly just: this is not so much a question between the Lieutenant-Governor and myself as between me and

his Executive advisers. He would not have taken such an unconstitutional course if they had not advised it. They could not pursue it if not sustained by a majority of this House. This House cannot sustain it when the country come to pronounce their opinion. The amendment may pass, but every one who votes for it must render his account to a constituency who know that the whole proceeding is as un-English as it is dangerous to public liberty and manly independence. For my part, I shall hold myself at liberty to take it in my hand into any part of the Province and call upon those who voted for it to defend it, if they can, before the body of the people.

The honourable gentleman tells us that one tyrant is better than half-a-dozen. Let us work out responsible government fairly, and then we need have neither; without it we shall sometimes have one and sometimes a plurality of despots. The honourable gentleman complained that the offices of Speaker and Collector of Excise were held together; but he will remember that the Speakership was resigned the moment the House met. The honourable gentleman fears that heads of departments will be dangerous things if they have control over the deputies in the country. Where can be the danger, if this House has control over them? Besides, the honourable gentleman knows that a member of the Government he supports has just defeated a bill which went to make the deputy registrars, in the country, independent of his authority. To be consistent then, the honourable member should protest against an act which goes to perpetuate the very system he dislikes. He reminds us that heads of departments were formerly in the Legislature and that the Liberals complained. He forgets to add the reason; because they then held seats for life, in the Executive and Legislative Councils, independent of popular control. The honourable member for Guysborough also talks of a decline in popularity; it may be so; and yet I should not much fear to mount the hustings with him in the county he represents and prove to him that he is mistaken. He thinks that all the difficulties have arisen from our attempting to get the members of Council out; but it seems to me that they have arisen from their wanting to get the Opposition in, without ever having offered fair and honourable terms. As respects my position with Lord Falkland, it is very simple. Since I left his Council, I have neither asked nor desired to return. I stand as independent of him as he does of me. He has done his best to injure me, but fortunately had not the power. If he were in my place, and I in his, he would find that true nobility is shown in breasting the storms of life; not in stretching authority until it falls into contempt. I ask nothing, want nothing, of his Lordship, but to be let alone. When my rights are invaded by him or his minions, let them look to it; the consequences be upon their own heads. When the honourable gentleman complained that the new system acted injuriously on the character of the Legislative Council, he was well answered by my honourable and learned colleague [Mr. Doyle], who showed him that there were now eight members from the rural districts and under the old system but one.

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There was one observation which, as it was an insult to the constituency I represent, I cannot pass so lightly as a mere taunt addressed to myself. The honourable gentleman spoke of a "nest of demagogues in this town." [Mr. Marshall rose and explained that he had not used, or did not remember to have used, the expression.]

Passing on to the speech of Mr. Dewolfe, I listened to that gentleman's defence of the old system, which always reminds me of Sam Slick's father's account of the Battle of Bunker Hill. Modern times have produced nothing like it and no men can be compared to the worthies with whom the narrators were associated. The honourable gentleman was a member of the old Government, and he dwells on its excellences with a lingering faith that is very amusing. One thing struck me as singular in his oration: "The gentleman from Pictou said he wishes to go back to the old system, but I do not." What, sir, is there a difference of opinion, a division in the ranks of the administration? Are those who write despatches and gloat over a "want of concert" in the Opposition, doubting whether they should advance or retire?—divided between the old system and the new? The honourable member from Kings says that all would have gone on well, but I was "too precipitate." But he knows that all was going on well when he retired and led up an opposition to the Government. But now he is all right; he is snug in the Excise Office; the new system has borne good fruit, and "he does not want to go back."

The honourable gentleman thinks I should have retired peacefully, as he did. But he ought to remember that he had hardly withdrawn when he shrugged his shoulders, rolled up the whites of his eyes, regretted that his lips were sealed, and more than hinted that Lord Falkland and his late colleagues were meditating the destruction of public liberty. The honourable gentleman tells us that he asked for the Excise Office; no doubt he had a right to ask, but he might have waited, as his predecessor did, till it was freely offered. He paints, in gloomy style, the social evils which politics have produced in the interior; but I think there is a little of the colouring of a diseased imagination. I spent a few days in the county of Kings last summer, and saw nothing of the inhospitality and temper which its representative describes. All ranks and shades of politics mingled freely in festive and business intercourse; and as to hospitality, the only risk I ran, was of being killed with kindness,—surfeited with poultry and apple-pies. Politics, religion, the diversities of human opinion and human employment, must create parties in every country, in every village, every street; but I doubt if the old Dyke Wars, and the old laws of Horton Corner, did not produce as many hard thoughts, and as many battles, as ever responsible government stirred up in the beautiful county of Kings. I heard a little boy, on bidding mine welcome to the county, regret that "they differed in politics"; but they were playing marbles in five minutes; and some of the bright-eyed girls at the ball, when an ugly fellow asked them to dance, paused to inquire of a friend whether he supported the Government or the Opposition;

but if the gentleman happened to be good-looking, there were no questions asked. The honourable member doubts if I have "justified myself to my own conscience"; thank Providence, he is not its keeper. He reminds me that the Governor treated me with frank confidence while in his Council and that there was much done that met my approval. I tell him that every act of the Government met my approval until the dissolution, and that I returned the confidence reposed in me by frank, devoted, and respectful service, down to the moment when I became convinced that his Lordship had forgotten old ties and declared "war to the knife." Then I must confess that, having, like my neighbours, a little of the old Adam, I thought it time to stand on the defensive. The honourable member says I was wrong to give up the Excise Office, and thinks there are many Conservative members who would gladly have seen me retain it. I doubt it not. I have some personal friends on the other side who would cheerfully promote my interest; there are others who would have rejoiced had I retained office, in violation of the principles maintained by the Opposition; but, sir, had I clung to office, I should have given the lie to my whole public life, and sold my children's birthright for a mess of pottage. We are informed that while in the Government nine-tenths of the patronage was dispensed by me. As so much has been said about violations of confidence, I call upon the honourable gentleman to show by what authority he makes that sweeping disclosure? [Mr. Dewolfe explained that the fact was stated in Lord Falkland's published letter.] That, sir, is what I complain of; that his Lordship, in violation of all confidence, in order to make a case against us, opened to the public the secrets of his Council board; and now his friends cavil because a little more has been told, which their folly has extorted from us in self-defence. But assuming that the honourable gentleman speaks the truth, my justification for remaining in Council from 1840 to 1843 is complete. How stands the case with the honourable gentleman and his friends? Should they have held their places? Should they not have done as I did, when in December I found that the boot was to be put upon the other leg? The honourable collector thinks that business would be better done if Government could take good men to fill the offices, without reference to parties in the Legislature. But where would be the check? Where was it in the olden time, when the departments were handed down from father to son, and striplings, who had seen no service, were promoted over the heads of those who had for years done the public business and enjoyed the confidence of the country? He tells us that no two persons describe responsible government alike and that nobody can tell who is its father. Did he ever see two peas or two leaves alike, or two faces that did not differ in expression? Can we expect more verisimilitude or accuracy in definitions, by minds trained to view questions in different lights and to express their thoughts in language fruitful in terms and illustrations? It is said to be a wise child that knows its own father. Responsible government may be claimed by different parents, but it is a vigorous and promising

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child, with the old British lineaments, and with British blood in its veins, and the Liberals of North America will guard it till it grows to man's estate.

The honourable gentleman made the other day the singular assertion that Lord Falkland's Government was weak because I was in it. Yet it was supported at almost every trying crisis by four-fifths of the people's representatives. I am out now—is it stronger? Does it deserve the name of a Government, with its seats in Council vacant, and its parliamentary majority of three? He says I asked him in 1843 why he was so quiet? I did jocosely; because he deserted the Government, and being defeated in one encounter, all his opposition, like Bob Acres' courage, suddenly oozed out of the palms of his hands. He had afforded us some amusement, and I thought might furnish a little more. There was one observation the honourable gentleman made that he might have spared, because it was based upon a degrading view of human nature, which those whom industry or accident have provided for are too apt to take: offices should only be given, said he, to those whose means are ample. But are intelligence, activity and integrity confined to this class alone? No, sir; there is as much virtue to be found beneath the peasant's humble roof as in the rich man's luxurious mansion; there are hundreds of poor men in this country, fit for any office, to whom the wealth of worlds would offer a vain temptation to do wrong; there are men of moderate means in this town, who are trusted every year with duties more delicate and sums much larger than are confided to any officer of the Provincial Government. I grant that, under the new system, individuals may be put to inconvenience; but few will arrive at office without some means of living when they retire; and a dozen occupations present themselves, in a new country, at every period of life, to the man of frugal and industrious habits. But society would be shaken to its centre if the honourable gentleman's doctrine were true; Government would become an odious oligarchy, if honours and offices were to be reserved only for the rich. Virtue and knowledge would cease to be distinctions, if those who possessed them were to be discountenanced by the state which should call them into its service.

With the temper and style of argument of the learned member from Queens [Mr. Fairbanks], I find no fault. He thinks all is right because the principle of responsible government is still in operation; but he forgets that all the acts of an administration may be hostile to the existence of a principle and yet opposition be strong enough to preserve it. He says that I could not, as a gentleman, have sat beside Lord Falkland after what had occurred. His Lordship and I are the best judges of that; but what has this House and the public to do with it? Can such a question be constitutionally submitted to Parliament? I have never sought to re-enter his Council. By what right, then, has my name been dragged into ministerial notes and bandied about in grave despatches? Besides, if the principles are here as in England, why should they not bear fruit? Did the honourable gentleman ever hear of a

minister going on at home, for fifteen months, with half a Cabinet? Did he ever hear of an Attorney-General going down to the House of Commons with a pile of newspapers under his arm, to account for the want of a ministry, or of two sessions without a single measure? But, we are told, there have been some departmental improvements. Perhaps so; from the very moment I entered office, every Tory became a departmental reformer, although, for half a century before, the whole system was perfect. The learned gentleman strangely mistakes when he supposes that Lord Sydenham did not recognize the power of the colonial Assemblies to act constitutionally upon the Councils, by withdrawing their confidence. This power was distinctly recognized in all the discussions of the period; it was the foundation of the whole system; to the active operation of it Lord Sydenham mainly looked for peace and improvement in British America. He desired, and this was the only source of his solicitude, that these great powers should be used with temper and discretion. It is an insult to Lord Sydenham's memory to suppose that he shrank from the application to these noble Provinces of the principles we now enjoy. He saw, in 1840, as clearly as I did, that they could not be preserved without them.

The member for Queens has referred to the newspaper controversies, and thinks that, though attacked, I should have forborne. But why? Why should I always bear and forbear, when nobody on the other side sets the example? Why should I overflow with the milk of human kindness when, among the Tories, gall and bitterness are running from every pore? In the Baptist dispute, I was traduced for months before I took up my pen; in 1842, I did not write a line for half a year, but the very forbearing politicians over the way pelted me royally all the time. In 1844, as I have already shown, Lord Falkland and his friends drew a few humorous squibs upon their own heads by a course of most outrageous folly. The learned gentleman says that his blood boiled at attacks upon his family in the "Constitutionalist's" letters. But the learned gentleman should remember that hardly had the first of those letters appeared, in which there was a general allusion to a wharf with several establishments on it, when his friends rushed into the newspapers, attributed an anonymous letter to me and put their own names to a couple of columns of coarse defamation. If my blood did not boil under such circumstances, there would be very little of it in my body. That gentleman well knows, sir, that I deserved no such outrage from any member of his family. His late brother, whose talents and indomitable industry I admired, ever received justice at my hands and often the tribute of my admiration; but I should have been a saint, which I am not, to have patiently endured the outbreak to which I have referred. And so it has been, Mr. Chairman, through life; I have rarely been the aggressor in any personal controversy; I have spared dozens who richly deserved punishment, whose feelings I might have wounded, and have only selected an offender here and there, to serve as an example to the rest. With respect to the "Constitutionalist's" letters, about which so much has been said

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let me without speculating upon the authorship, show to this House the circumstances which, in my deliberate judgment, justified their publication. I do not seek, like others, to shrink in 1845 from the responsibility of what I approved and took the benefit of in 1842. We find in the opening number of the series the reasons for the preparation of those letters given. Referring to the writers in the Conservative press, the "Constitutionalist" says:

"They have spared neither sex nor age; from the Governor and his amiable lady, and the members of their household, down to the humblest individual in the constitutional ranks, none have escaped. For the last eighteen months a system of organized and unprincipled defamation, aimed at the destruction of the public and private characters of every man that the people of Nova Scotia esteem, has been carried on."

To abate the nuisance he declares to be his object, and adds:

"I will not do this work by halves. The names of the Governor and his lady; his secretary and his aide; of Mr. Robie, Mr. Johnston, Mr. Stewart, Mr. McNab, Mr. Uniacke, Mr. Dodd, Mr. Dewolfe, Mr. Howe, Mr. Young, Mr. Bell, Mr. Stairs, Mr. Annand, Mr. Lewis, Mr. Henry, Messrs. Chipman, Mr. Whidden, Mr. Wightman; nay, of every man at all conspicuous, either as a member of the present Government or as a steady and consistent supporter of its measures, and of the new colonial system, has been paraded week after week in the newspapers, coupled with every vile charge and foul insinuation which could undermine their public characters or wound the feelings of their political and personal friends."

Such was the state of the Conservative press in the summer of 1842; such had been its state for eighteen months. I had retired from *The Nova Scotian*, which was very moderately conducted by Mr. Thompson,¹ and the Government was at that time defenceless. Under these circumstances, and when not only every member of the administration, but every inmate of Lord Falkland's family, had been coarsely assailed, the "Constitutionalist" stepped into the arena, not to gratify or wound personal feelings, but to defend the Governor and the Government, and to put an end to a barbarous style of warfare by a little wholesome retaliation. I do not mean to say, I never have said, that every member of the Council approved of every line in those letters. Where they touched personal friends, some of them might have wished perhaps that passages had been expunged; but that the letters were written for the defence, and with the countenance of the Government, and that the author was thanked in Council for the good service he had rendered, can never be denied.

The honourable and learned member for Kings [Mr. Hall] comes next in order. He contrasted me with Franklin, but I fear that all resemblance ends with our early occupations. The philosopher drew down fire from heaven with perfect safety; I cannot fly my paper kites in the higher regions here without

¹ Mr. John Sparrow Thompson.

Executive vengeance descending with awful rumblings. My learned friend told me that I should have copied the example of Junius. I wish I could copy his style; but Junius attacked his Sovereign and the ministers and shrunk from the responsibility of his own acts. What I have done was done openly and in the face of day, and although I have run some risk, I am sure that my learned friend will acknowledge that, to use the language of the author he has referred to, "the rays of royal indignation" which Lord Falkland has contrived to concentrate, "have illumined the object they could not consume." He tells us that he would rather lay the blame of all the difficulties on me than on the Governor. Who doubts it? But suppose I was Governor and had all the patronage and rank and power, and his Lordship stood here as I do, where would he lay the blame then? The learned gentleman told us that Queen Elizabeth established a printing press, but he forgot to add that she made a different use of it from that to which those are applied so recently purchased by Lord Falkland. The Virgin Queen issued her *Gazettes* to inspire and unite a free people to resist the foreign invader; she did not use them to slander Cecil, Howard, or Raleigh, and drive them in disgust from her side. His other historical references were almost as happy, for if the royal family came to the throne in consequence of something published in a Dutch newspaper, surely the Sovereign and all her representatives should be very tolerant of the errors of the press. The long extract from Erskine I did not quite comprehend, but if there is anything tending to purify the newspapers, it had better be sent to the editor of *The Gazette*. The member for Kings acknowledged with more frankness than discretion, "That he had not the same horror of responsible government that some on his side had." Mr. Dewolfe tells us he wants to go on, but Mr. Holmes wants to go back; and his colleague assures us that he likes responsible government well enough, but that some of his friends are horrified at it. Yet this is the party who, with no common principle, and a majority of three, aspire to rule this country. The learned gentleman, however, touched Angelica, not with the respectful homage of a sincere admirer, but with the freedom of a *roué* whose imagination had been overheated by the classics.

Some of his criticisms were scarcely decent. But he informed us that he had recently become a convert to party government. He has embraced our doctrine, but shows his love for it, not by joining, but by attempting to burn our church. But, he says, "let us work it out quietly." What would he have said if some of the boys at college had seized upon the "commons," and insisted upon eating all the pudding, and having all the gravy; and when the rest claimed their rights, had whispered through the keyhole, "Don't make a noise; we agree with you in sentiment, but we are 'working it out quietly.'" The learned gentleman favoured us with one piece of information which he said had been kept till that moment a profound secret. He was sent here to oppose me; but was he to oppose me whether I was right or wrong? If so, he will pardon me for saying that no enlightened constituency would give

such instructions and no honourable man would accept a seat upon such terms.

I believe I have now answered, playfully where I might, gravely where there was a necessity for it, every argument of the nine gentlemen who have spoken in favour of the Government. The speeches of the two Crown officers must yet be dealt with; and if, in noticing the bearing and sentiments of the learned Solicitor-General, I assume a sterner tone, this committee, who have both seen and heard him, will understand the reason. Sir, during one of the worst of the Irish administrations, Castlereagh, who was Secretary and was afraid of losing a measure, said to his supporters, "Let us go down to the House and bully them." The anecdote is related by Sir Jonah Barrington; if it has not been recently read at the castle here, no member of this committee can doubt that it has left a strong impression on the mind of the Solicitor-General and that a kindred spirit has prompted the coarse outbreaks and breaches of decorum in which he has indulged. Sir, I have been eight years in the Assembly; during all that time I was never called to order and never gave offence to the humblest member of this House without an explanation being given; making amends if I had misunderstood him or acted from hasty impulse. The learned Solicitor-General has thought proper to pursue a different course. On a former day, coupling a statement made here with a notice of my speech, which I had not seen, he declared he would join issue with me and pronounce the statement a falsehood. I rose to explain. The Solicitor-General, in breach of the courteous usage of this House, called to order, and when I sat down, exclaimed that he would meet me there or elsewhere. For the moment this unmanly threat disturbed my self-possession, and I retorted in the same style. To prevent mistakes I reduced the remarks complained of to writing, and as there was no falsehood, and yet nothing reflecting on the Solicitor-General, I had a right to expect that he would have acted as any other member would have done under similar circumstances. But, sir, the discovery of truth was not the object; the intrigues, the proscriptions, the Attorney-General's grave declamation having failed, the Solicitor-General hoped, by brutality and insult, to force a personal quarrel, involving very little risk, that he might get rid of an opponent upon whom all his paltry arts had been exhausted in vain. His language to my honourable and learned friend, Mr. Uniacke, was equally coarse. He accused that gentleman of "gross treachery and deceit." Mr. Chairman, I sat in the House with the learned Solicitor-General from 1836 to 1840. During all that time I was in opposition to the Government of which he was a member. Debates ran high, but why did he never attempt to take such liberties with me? Because he was not quite sure that he could do so with impunity. Why does he do it now? Strangers may not know; but the House, this community know right well; and no man better than that learned gentleman himself. Yes, sir, he knew that he might indulge his coarse swagger with very little hazard; he knew that though I might not refuse to meet him "elsewhere," he would be as safe as if in his bed; that though I might not

fear to present my bosom to his weapon, I should fear to shed his blood. But, sir, let him not suppose that he or any other man can sustain himself in this House or in this country by such conduct. Public men are to be judged by their acts and by their arguments; and despite his bullying, whenever it suits me I will drag the Solicitor-General before this House and hold him up to the scorn and contempt of the people of Nova Scotia.

Look at the position in which he stands now and contrast it with that which he occupied last January. By a little firmness, integrity and discretion, he might have saved Lord Falkland's honour, and preserved his power and influence in this House and in the country. He might, before feelings were inflamed and parties forced into conflict, have earned the respect and confidence of all. How stands it with Lord Falkland now? Powerless for good or evil. How stands it with the gentleman himself? After fifteen months of intrigue, disclosures and contemptible expedients, he finishes by bringing the Governor and the Government into this newspaper war and furnishes no better defence than a few rude and intemperate expressions. But verily he has had his reward. An old and faithful servant has been dismissed from the preventive service; Mr. Dodd's brother rejoices in his place; another relative is judge of probate in Richmond; he himself is Solicitor-General; and the only Liberal appointed to anything in Halifax happens to be brother to a gentleman at Sydney, without whose influence the learned Solicitor-General's seat would not be very secure. But, sir, though he has taken good care of himself and his friends, his statesmanship would do no credit to a tyro in politics. He has led the Governor on from blunder to blunder, till his reputation has been tarnished and his Government has sunk into contempt. I have but one parting observation to make to the Solicitor-General. He said the other day "that he had not served an apprenticeship to deception." If he meant that taunt for me, I will tell him that I served an apprenticeship to a much more reputable calling. Where he completed his education I neither know nor care; but I am surrounded by the friends of my youth; by those who in mature years have been by my side in the trying scenes of life. I enjoy their confidence and esteem. I have grasped at no friend's office, I stand in no friend's shoes.

The last on my list is the honourable and learned Attorney-General; and really, if it were not that I might appear wanting in courtesy, as the evening is far advanced and the committee sufficiently weary, I would not tax gentlemen's patience with a single comment on a speech remarkable only for clearing the benches and setting the supporters of Government asleep. Making allowance for those little ebullitions of temper, the peculiar infirmity of the learned leader's mind, the general tone was moderate enough; but during the delivery, I could not but contrast the vainglorious boastings of the Attorney-General in the barn at Bridgetown, where his political opponents were not, with the sorry figure he cuts where they are. On that occasion, because I had gone to Cumberland to meet a better speaker, he crowed lustily over my absence. This debate, so far as I am concerned, has, I think, taught him a little modesty

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and discretion. Then my learned friend from Picton was sneered at—he spoke such broad Scotch and so unintelligibly that nobody could understand him. But, sir, he has spoken plain English here, and his manly, argumentative, and excellent speech is still unanswered by the Attorney-General. Contrast the speeches Lord Falkland's leader has delivered here with those of the learned Speaker. The former remind me of those sinuous and melancholy streams which issue from some of our bogs, shallow but dark, with poisonous plants upon the margin and mud and dead roots below. The Speaker's eloquence is like a crystal rill, whose waters sparkle as they flow, while the pebbles of truth are seen distinctly at the bottom. But perhaps the learned Crown officer's want of argument and power to command a popular assembly were never so finely illustrated as by my honourable friend from Yarmouth, who in twenty minutes, the other evening, tore to pieces the sophistries which that gentleman had woven in a speech of four hours. My honourable friend reminded me of a stately moose, who in his morning walk dashes down the flimsy web which a spider has been all night weaving. In one qualification the learned leader beats us all hollow,—in the soporific power of his oratory. I counted six persons in the House the other day, lulled into forgetfulness by his drowsy periods; one more and he would have been surrounded by the seven sleepers; and oh! tell it not in Gath, his ardent admirer the learned member for Lunenburg among them.

Sir, the Attorney-General laboured for an hour to show that previous to Lord Sydenham's visit to Nova Scotia, I had published some theory of government widely different from that which was introduced under his auspices; that the system, as contemplated by Lord Sydenham and avowed by Lord Falkland, was not the same which now obtains here and in Canada. He made the same statement at Bridgetown. But what has he proved, there or here? Nothing, absolutely nothing. I need not dwell on this topic, as it was fully discussed in the letters to Major Chipman, which I hold in my hand and to which any gentleman may refer who takes an interest in the question. By a chain of evidence which the Attorney-General has not answered and cannot answer, the fallacy of his reasoning is shown and the constitutionality and consistency of my principles from 1837 to 1845 vindicated and maintained. Sir, I do not deny that the doctrines advocated in the pamphlet addressed to Lord John Russell in 1839, were neither clearly apprehended nor much in favour at the Colonial Office at that period. I do not deny that the enemies of responsible government here hoped to find Lord Sydenham as timid or as credulous, but when we came to read the pamphlet together and discuss the principles, there was scarcely any difference of opinion between us. I gave up one point of detail, which has frequently been explained; he yielded more than the Liberals had ever demanded. But, sir, how stands the case with the honourable Attorney-General? He taunted us the other day with "bending to the blast." But who bent, who bowed, who prostrated himself in 1840, and allowed the new principles, which he dared no longer resist, to pass over him

into the Government, and to form the rule of administration? The friends he had acted with were dismissed from Council; the old system he had defended was annihilated; the Opposition was triumphant, yet he clung to office, and feigned to adopt what he has ever since done his best to destroy.

Suppose that I had advocated the abolition of the slave trade or the passage of the Reform Bill and the Attorney-General had resisted it. Suppose that my principles were sanctioned by the Sovereign and a ministry formed to carry them out. Surely, if he "bent to the blast" and took office in that ministry, he ought to be the last to reproach me with inconsistency, when he gave up everything; even though I modified or abandoned some few points of detail. But, sir, I have a graver charge to make against the learned Attorney-General. I charge him with violating his duty to the dead; with attributing to Lord Sydenham a political system which would prove him a trickster and not a statesman; with not comprehending or not intending to give to these colonies responsible government, in the rational sense of the phrase, as now understood on both sides of the Atlantic. I charge him with having, to save his position, sanctioned the working of that system by heads of departments. In the exposition of the Governor-General's policy, to which the Attorney-General and the learned member from Queens have so frequently referred, it was broadly stated that Lord Sydenham contemplated "an Executive Council, composed of heads of departments, and leading members of both branches of the Legislature, possessed of political influence, and of nobody else, except in extreme cases." The Attorney-General thought this all right when Lord Sydenham was here; it is all wrong now that he is in his grave. Heads of departments were indispensable to responsible government in 1840; in 1845 they are pregnant with evil and dangerous to the liberties of the country.

The Attorney-General complains that party government was not so fully developed last year as it has been in these debates. But who is to blame for that? The people of Nova Scotia knew little and cared less about party government till Lord Falkland put a denunciation of it into his speech, to bolster up an absurd appointment. A Tory party government was at once established; now all that we intend, when we change the majority, is to follow the example set by the other side. The learned leader complains that we do not develop all our views at once? But why should we? Why retard public business with theoretical discussions? "Sufficient for the day is the evil thereof." But while he complains that we do not go fast enough, the honourable member for Kings thinks we are "too precipitate." But, sir, let me strip these gentlemen's argument, drawn from the expense of heads of departments, of all its terrors. Let me show to the country that not only would there be no additional cost, but that if heads of departments held seats in the Legislature, greater efficiency and a considerable saving would be the results. We desire to see an Executive Council of nine, composed of the Provincial Secretary, the Attorney-General, the Solicitor-General, the Treasurer, the collector of colonial duties, the Surveyor-General, and three gentlemen of

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influence, eligible for those offices as they become vacant. Now what would these cost? Five members are soon disposed of—the Attorney- and Solicitor-General are here already; the three gentlemen without offices would cost nothing. Let us see what the other four cost now:—

The Secretary's office, including the registration, costs yearly about	£2600 0
The Treasury, including the Savings Bank, Provincial notes, &c.	1000 0
The Cape Breton Land Department	750 0
The Nova Scotia Land Department	937 10
The Excise, including gauger and permanent waiters, about	1200 0
	<hr/> £6487 10

So that the good people of Nova Scotia, who were frightened all last summer with this bugbear of heads of departments, pay now this large sum of money to maintain the only four of those that the Liberals seek to introduce into the Legislature. So far from any expense being required, if one of the surveyors were pensioned, and the whole service combined under one efficient head, we should reduce our expenditure and ultimately save £750 in that service alone. The secretary would not sit in this House a single year before a saving would be forced in that department. Think you if that officer had been here last winter the Registrars Bill would have been destroyed?

But the Attorney-General fears that the officers would not be so competent. Where is the proof of that? Is he less competent because he is here? No, sir. Is he better paid? His salary has been reduced one-third since he took his seat on these benches. How has the system operated on the Excise Office? For forty years an old gentleman conducted it, and when he died all the Tories in town declared the system perfect and wished the office given to his son. It was given to me. From that moment we heard of nothing but defects in the system, extravagant remuneration and a necessity for increased responsibility. I retired. Two sets of commissioners and the honourable gentleman from Kings follow; and now we are told that there have been great improvements. If so, to what are we indebted for the change? To responsible government; to having the officers here. The Tories watched me well. The Liberals, depend on it, will look pretty sharply after my successor, and thus the public are better served. Apply the same practice to other departments and the result will be the same. We are told of the hardships; but why should an individual or two stand in the way? In Canada, Mr. Daly, the Provincial Secretary, has had to mount the hustings, and why not? The Attorney-General fears that collectors would do injustice to political opponents. I do not think so. I never knew friend or foe in my office, and if there was any difference made, the opposite party certainly had the advantage.

The Attorney-General tries to frighten the country with the apprehension that we are going to create a pension list! Why, sir, there are only four or five pensioners in Nova Scotia,—three retired judges and two municipal officers,—

and all belonging to the opposite party, who received their pensions with his consent. The Tories, so far, have got all the pensions, as well as all the offices in Nova Scotia. If, to make the system complete, it is necessary to pension anybody now in office, enough can be saved from the amounts at present paid; those who take and retire from office hereafter will be entitled to no pensions. Another bugbear is the initiation of money votes, which means nothing more than making the Executive Council examine all claims upon the treasury, and take the responsibility of recommending or rejecting them. It gives them some trouble but no more power. A Government which has a Parliamentary majority may pass or resist any money vote now; what more could they do if the mode was changed? Suppose they declined to recommend a grant for a necessary service, any member could move and carry it as he does now, and as Mr. Merritt moved and carried a grant for the St. Lawrence Canal against the wishes of Lord Sydenham's Government.

But, says the Attorney-General, it is folly to imitate the mother country, because she is so large and Nova Scotia is so small. If this is an argument at all, it might be urged against the introduction of the sciences or of the common law, as well as against the introduction of British modes of government. There may be more weavers in Glasgow than there are people in Halifax, but is that any reason why we should not have a loom? Judge Stewart's remarks would be worth something if we had ever sought to put the giant's armour on a child; to crush Nova Scotia beneath the cumbrous weight of European establishments. This Province has passed from the infant state; we seek to clothe her in a dress suited to her age; the Attorney-General to retain the bib and tucker she has outgrown. I must confess that I was amused with the learned leader's apprehension that responsible government would create an oligarchy. An oligarchy! Why, we had one of the most odious kind under the old system. Who defended and upheld it from 1836 to 1840? The Attorney-General and his friends. Who destroyed it? The Liberals. He is the last person that should bring such a charge against us. Under responsible government no oligarchy can grow up, because the people's representatives will have the power to break down any combination hostile to their interests.

The Attorney-General ridiculed the measures proposed by Lord Falkland's Government from 1840 to 1843, and said that the fiscal improvements of the present administration were worth them all. This may have been in good taste; it may have been just to his Lordship and to the learned gentleman's colleagues. He was a party to all the foolery he described; to all the measures condemned. But, sir, I join issue with him here, and tell him that the Act for incorporating Halifax alone swept away more corruption and did more good than all his measures, past, present and to come. I tell him that the policy with respect to the coal mines, upon which he plumes himself, was recommended, adopted and carried out by the former administration; and that a greater saving would have been effected by the Registrars Bill, which the present Government have "burked," than by all their departmental improvements put together.

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But we are told that we seek to concentrate power in Halifax. This from the learned leader who upheld a system by which every member of both Councils but one resided in the capital, and not one represented a constituency in the country. Under our system half the Legislative Councillors will be drawn from the interior, and more than one-half the Executive Council must return every four years to test the confidence of the people.

But the Attorney-General sees danger ahead. Sir, he is always seeing danger; always playing the alarmist. He saw danger ahead when the old system was overturned; when he made his speech at Mason Hall to prevent the introduction of the new. Referring to the Toronto dinner, he tells us that there is truth in wine; if so, I wish from my heart that the Attorney-General would drink a little more of it. He says that the acceptance of the compliment was an outrage upon Nova Scotia. I tell him that the tender of it, by any body of our fellow colonists, was an honour to the country. Far distant be the day when a Nova Scotian shall shrink from mingling in festive scenes with his fellow subjects, and proclaiming to all the world the principles he professes. The Speaker threw his weight into neither scale, he but defined the just boundaries of our colonial constitution. But suppose he had done more; suppose he had played the part of a "hot partisan," who would have been to blame? Those who counselled and encouraged the treatment he had received, and which was at once an insult to this House and to the Province at large.

The Attorney-General tells us that all the members of Council were willing to retire in July. Why was the fact not communicated? Why did no one retire in January, when Mr. McNab offered to waive his claims for the sake of peace? Why not in February, when one retirement would have satisfied the Opposition? Why not at the close of the session, before a shaft was aimed at Lord Falkland? He says that the note sent to Lord Falkland was not opened, and ought not to have been brought here; but, sir, his Lordship was told that it contained "the elements of peace," and the course pursued towards myself rendered it indispensable to my full and complete justification. The Attorney-General misunderstood the Speaker when he supposed that he or any member of the Opposition knew of its contents. He says that the Governor has not descended into the arena, that I am the aggressor, and the cause of all the difficulty. But, sir, I came here and took my seat as an independent member of this Assembly. The Governor took unconstitutional liberties with my name in his notes and despatches, and sent his Crown officers here to justify that folly by a solemn impeachment. The learned leader thinks the Governor ought not to have been assailed. Had his advisers acted upon our principles, and placed him in a position of dignified elevation, he never would have been. Calumnies might have been showered upon the Opposition from an independent party press, but had not slanders been conveyed in speeches from the throne, in despatches to the Secretary of State, and by Lord Falkland's physician and official printer, he would have been untouched by a single pasquinade. We are told that Pitt and Halifax and Temple never wrote against the Sovereign; who

knows what they wrote? But were they ever publicly denounced and slandered by the Sovereign? Let Lord Falkland and his advisers hereafter pursue a wiser course, and while we attack their measures not a line or an expression will reflect on the head of the Government. One word as to the charge that, in explaining the origin of the "Constitutionalist's Letters," I have made "unauthorized disclosures." I deny the fact, and claim to have had full permission to state anything necessary to the defence of my public conduct while a member of the Government. When I retired I demanded and obtained in writing the usual permission to defend myself. This I supposed would be sufficient, but, in consequence of the revelations made by members of Government, I requested and obtained a verbal permission, the only limit to which was my own discretion. When therefore the rupture in the Government was traced by the Governor's physician to those letters, their authorship ascribed to me, and mean and unworthy motives attributed, who will deny my right to show that they were written for the defence of the Government, with the express sanction of the nobleman at its head? But, sir, had I even transgressed the limits, who had set the example? Did not the Governor in his letter violate the confidence of Council, and tell the public who advised this and who the other appointment? Did he not tell what had been said about the Civil List, and what had been said about party government? Who made "unauthorized disclosures" when Mr. Almon's appointment was told all over the town before we were even consulted? When Mr. Dodd made his bed-chamber revelations—when one party knew of the dissolution long before the proclamation appeared in *The Gazette*? When all this was done, there was very little left to reveal. I grant it would have been very convenient had just as much been told as suited the administration, and had the material facts been concealed upon which rested the defence. But they extorted the truth,—they have got it, and let them not complain. They loaded their Executive blunderbuss to the muzzle, and would have made me the victim; they have missed their aim and been knocked over by the recoil, but the fault is none of mine. The extent to which I have used my discretion will be judged of by the House and by the country. My statement stands uncontradicted, and I have no fear, if necessary, that it will not be fully confirmed.

Mr. Chairman, I must apologize to you for the time which has been occupied, and I must express my thanks to the committee for the patience and attention with which I have been heard. From the number of speakers and the very nature of a general reply, I would have found it difficult, even if I had possessed the power of condensation, which the Attorney-General tells us he does not, to have compressed my thoughts into a narrower compass. I feel, however, that enough has been said to place the Government, whatever may be their majority here, before the people of Nova Scotia in no enviable light. We are told of a judge who once pointed his stick at a prisoner, exclaiming, "There is a great scamp at the end of my stick." The audience were convulsed with laughter when the man, bowing politely to the court, inquired,

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"At which end, my Lord?" The Attorney-General, having pointed Lord Falkland's baton at me and called upon his Lordship to inform the country that there was a violent, ambitious and impracticable man at the end of it, he must not be surprised if the shrewd people of Nova Scotia, with great good humour, ask—"At which end, my Lord?" The situation in which the learned gentleman has got the Government is very like that to which the elephant of the melodrama was reduced at Drury Lane. In the midst of "Timour the Tartar" or some other gorgeous performance, a dreadful noise proceeded from the bowels of the pasteboard elephant, which was soon knocked to pieces, and two men tumbled upon the stage. When the merriment had subsided, it appeared that the "break-up" had been caused by the ambition and envy of the man whose duty it was to move the hind-legs of the elephant. In a fit of jealousy and spleen, he swore he would play "afterparts" no longer, and stuck his teeth into the haunches of the man who did the foreparts—got a kick for his pains, and the destruction of the fabric followed as a matter of course. Lord Falkland's Council was split in the same way; the machine had worked beautifully for three years and a half, but the learned Attorney-General thought he was too near the tail—he would play "afterparts" no longer. For more than a year his ambition has been gratified; he has thrust himself into the foreparts and got his brother-in-law in behind, but unfortunately for the manager and the audience, there is very little animation in the elephant and sometimes it will scarcely move at all.

In the course of this debate, frequent references were made to the "Letters of a Constitutionalist," and those who were content to take the benefit of them when they appeared, were anxious not only to throw upon Mr. Howe the entire responsibility of their composition, but to shake the Government which they defended clear of all participation in their origin. Several alterations and explanations occurred upon this subject, and Mr. Howe at last reduced to writing, and read in his place on February 17th, this statement, which many have no doubt forgotten, but which ought to be preserved, as the paternity and style of those rather celebrated missives are yet occasionally canvassed:

As in the hurry of the session I have no time to write in newspapers or even to read them, I do not wish to be charged with any statements of what I have said which at all vary from the facts; I have therefore written out what I did say in reference to the "Constitutionalist's Letters." As nearly as I can remember, it was this:

That the abuse poured from the Conservative press, for many months, upon Lord Falkland, his household, and his administration, led his Lordship to call the attention of his Council to the state of the press, and to urge that some of the members should enter the arena and defend him and themselves.

That, upon one or two occasions, he called upon the honourable and learned Speaker, then the youngest member of Council, to take up his pen and defend the Government.

The Speaker, I believe, declined; but that out of the feeling displayed by the Lieutenant-Governor arose the letters of "A Constitutionalist," which were not written for the mercenary and mean motives attributed, but to abate the nuisance of which his Lordship complained.

I now add that Lord Falkland expressed his approval of those letters as they appeared, and before the assembled Council thanked the author, whoever he was, in the warmest manner, for his services, all the members appearing to share the feeling and not one of them taking exception to the letters.

Whether Mr. Dodd was, or was not present, I do not remember. As the letters appeared in the summer, it is very probable he was at home. The statement now made is substantially correct, and having made it, I shall defend it before all the world.

The Speaker, Mr. Young, subsequently obtained special permission to report his recollections, but declined, giving as a reason that "the statement which had been made by Mr. Howe, and reduced to writing, remained uncontradicted."

The debate was brought to a close on the thirteenth day, Mr. Uniacke's resolutions being rejected or amended by a majority of three. This negatived the statement made to Lord Stanley that the Opposition was becoming weak; while the other statement that they were willing to consent to the sacrifice of Mr. Howe was flatly contradicted by every gentleman of that party who spoke in debate.

It was evident that the administration, with all the patronage of Government at their disposal for fifteen months, were but little stronger, and it was quite as apparent that they were, every day, losing ground in the country.

At the close of the session, Mr. Howe moved his family into the interior, where they spent two years upon the head-waters of the Musquodoboit.

"They were," he often said, "two of the happiest years of my life. I had been, for a long time, overworking my brains and underworking my body. Here I worked my body and rested my brains. We rose at daylight, breakfasted at seven, dined at twelve, took tea at six, and then assembled in the library, where we read four or five hours almost every evening. I learned to plough, to mow, to reap, to cradle. I knew how to chop and pitch hay before. Constant exercise in the open air made me as hard as iron. My head was clear and my spirits buoyant. My girls learned to do everything that the daughters of our peasants learn, and got a knowledge of books which, amidst the endless frivolities and gossiping of city life, they never could have acquired. My boys

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got an insight into what goes on in the interior of their own country, which should be of service to them all their lives. I read *The Edinburgh Review* from the commencement, and all the poets over again; wrote a good deal and yet spent the best part of every fine day in the fields or in the woods. My children were all around me and in health; and although I had cares enough, as God knows and you know, I shall never, perhaps, be so happy again."

Between haying and harvest he found time for some excursions to the westward. In July, he was invited to attend a public meeting and to accept a public dinner at Digby, where he spoke for three hours, and where his only living sister, whom he dearly loved, heard him for the first time. There were meetings and dinners at Lawrence town, Falmouth, Windsor, Brookfield, Liverpool, Locke's Island, Barrington, and a monster picnic in Cornwallis, where about fifteen hundred persons of both sexes assembled, under the greenwood trees, to welcome him. The following address was presented:

MR. JOSEPH HOWE: SIR,—It is with feelings of no ordinary joy and gratification that we welcome you to our fertile county. No language at our command can adequately convey to you the unfeigned satisfaction and heartfelt gratitude with which we have ever witnessed the untiring zeal and perseverance you have displayed, in supporting our best interests during the whole tenor of your political career.

Time would fail us to enumerate even the more prominent scenes in which you have stood forth the friend and champion of the people, and triumphantly fought their battles, both with your pen and in the legislative arena, and by which you have won their lasting confidence and affection. But we feel it a duty incumbent on us to mark with peculiar applause and approbation, that noble and disinterested act by which you and your associates cast off the shackles of office and came forth the staunch and unfettered guardians of the people's rights.

For this, as well as for the successful exertion of a whole lifetime spent in promoting the glorious cause of British colonial freedom, in the name and on behalf of the Reformers of Kings county, we beg to tender you our best thanks and confidence and our sincere and earnest wishes for your future usefulness and prosperity.

KINGS COUNTY, *July 17, 1845.*

Mr. Howe spoke for four hours to this great audience. From a report of the day's proceedings, this extract is taken:

Mr. Howe's health followed. How it was drank, it becomes us not to say, but it will be many a year before he forgets the brilliant and enthusiastic scene which surrounded him when he rose to reply. He may, indeed, be pardoned if at that moment he forgot that the three members for Kings

county, who backed Lord Falkland's proscription, ever had existence. The venerable forms and hoary locks of age surrounded him on every side, the upturned faces of these patriarchs beaming with a blessing; the vigorous forms of "a bold peasantry—their country's pride," were there, telling how they had borne, and were still able to bear the heat and burden of the day, social and political; and the graceful forms and sunny looks of youth were there, giving hope and promise of a rising and new generation, imbued with their parents' principles and emulous of their virtues. He might have been excused had he exclaimed—

"Go ask yon despot, whether
His servile bands
Can bring such hands
And hearts as those together."

After a few brief allusions to public affairs, Mr. Howe asked a bumper for

"The Ladies of Kings County."

In the early part of the day, referring to their presence, their beauty, and to the chastening and hallowed influence they shed even over scenes of political excitement, he remarked, that sculptors and painters of old stole from many forms their lines of beauty and from many faces their harmonies of feature and sweetness of expression; but from the groups around him, individual forms and single faces might be selected, to which nothing could be added, without marring a work that, if faithfully copied, would stamp divinity upon the marble, or immortality on the canvas. He reverted again to this pleasant theme. He had seen other countries, and admired their wonders of nature and art. Germany had her Drachenfels, and Scotland her mountains; France her vineyards; England her busy marts, and Ireland her depths of verdure,—each and all had some peculiar charm, some native characteristic, that Nova Scotians must be contented to admire and satisfied to want; but when he came to contemplate that first best gift of God to man, he could place the girls of his own wild country beside those of any portion of the globe and thank Providence that those who were to lie in our bosoms and beautify our homes were their equals in personal loveliness, in tact and virtue. He would not undertake to decide the question whether Kings county was or was not the garden of Nova Scotia, but he had never seen a garden graced with so many exquisite flowers.

On the 11th of September Mr. Howe delivered another address before the Halifax Mechanics' Institute, an institution in which he took a deep interest. The address was on "Eloquence," and on account of its importance, it is now given in full:

MR. PRESIDENT,—I come, in obedience to the expressed wish of this society, to offer my contribution to the common stock of knowledge. While

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others have given of their great abundance, I, like the widow in holy writ must claim to have the insignificance of my offering pardoned for the cheerfulness and sincerity with which it is bestowed.

At the early meetings of this Institution, I was an occasional attendant ; and although of late, pressed by other avocations, I have been something of a truant, I have constantly heard of its well-doing and have never ceased to feel an interest in its progress.

The design of its founders was, I believe, to establish a school of eloquence, in which young men of the industrial classes might meet, on leisure evenings, to test each other's powers and improve each other's minds. Such objects would seem to be praiseworthy ; and your experience proves that, to a reasonable extent, they have been attained. Truth has often been struck out here by the collision of opinion—the imagination has spread its noblest plumage, when fluttered by the breath of generous emulation ; and the untutored have sometimes risen to a height of genuine eloquence, prompted by innate good taste and the impetuous feelings of the heart, often without any strict analysis of the rules by which the emotions they felt enabled them to act upon the understandings and the feelings of others.

Thus far then, your meetings have been productive of pleasure and improvement. But, that you may elevate the standard both of recreation and utility, it is necessary that you should ever have before you a clear perception of the true nature of the art you assemble to cultivate ; and have deeply engraven upon your minds a few simple principles, which are too apt to be overlooked amidst the jargon of rhetorical speculation. It would seem to be not an inappropriate occupation of your time, to call your attention to these at the opening of a new course ; and to endeavour to invite inquiry, rather by the simplicity than the profundity of my illustrations.

But, first, it may be necessary to vindicate our claim to deal with such topics as these—to assert our right to study and employ the art which is to become our theme.

There may be some here, there certainly are many elsewhere, who believe that eloquence is above the sphere of the mass of mankind who belong to the industrious and productive classes. These, in *their* social and political system, they condemn to a life of labour ; and if they call them from it for a moment, it is but as listeners to be moved or influenced by the eloquence of the more favoured classes—to wonder at their wisdom and to bow to their commands. The Deity, however, has made no such partial subdivision of his gifts. Man, by the strong hand of power or the accidental arrangements of society may divide the earth, but the realms of intellect and knowledge are the undivided property of all. The facts, treasured by the industry of the whole human race, are spread, like a repast, before the human family. Individual use or appropriation increases rather than diminishes the common stock ; the poor man may become rich in knowledge, while the wealthy is poor indeed he who owns a fertile country may be unable to reckon his income, while the poorest

man upon his estate can measure the heavens and calculate the contents of the earth. The sensibilities of the elevated in rank may be deadened and obtuse, while the peasant's heart may respond to the most delicate and kindly emotions. The inspiration, which cometh from on high, may fail to unlock the icy egotism of a haughty soul (as the sun-burst thaws not the lofty mountain peak), while it wakes the lowly nature to enthusiasm, to eloquence, to song.

Thanks be to God then, that in treating of eloquence—in tracing it to its sources—in employing its powers, to elevate and improve each other, we are not exceeding our privilege or committing an intellectual trespass.

But it may be said, if eloquence be of a nature so catholic and universal, how does it happen that so few orators have appeared in any age or nation? The answer is simple, but yet does not circumscribe our common rights. Eloquence, like poetry in its higher moods, is the gift of Heaven, and the gift is too precious to be profusely squandered. There may be few poets and fewer orators, in any age or nation, but these few may spring from the industrial classes; and therefore have they a common interest in the discovery of this great gift and a common right to improve it, by assiduous and successful cultivation.

But, assuming that to these classes eloquence was to be a gift denied, still they would have a deep interest in the study of it—in the correct appreciation of the nature and value of those tests by which its genuine character may be ascertained. Eloquence influences, more or less, every moral, economic and political question, which involves the welfare and security of those who live by labour. By one speech each man's worldly possessions may be swept away—by one speech his country may be involved in irremediable ruin; and one sermon, showy, declamatory but unsound, may shatter his nerves or cloud his reason. Those whose temporal and eternal welfare may be so largely influenced by eloquence, even though they may never become eloquent themselves, ought to learn to judge of the performances of others by whom they may be safely guided or egregiously misled. The *Lo!* here, and the *Lo!* there, of oratorical pretence, is sounding continually in the people's ears. There is as much spurious oratory passing current in the world, just now, as there is spurious coin. The ring of true metal almost every ear can detect; nor would it be much more difficult even for simple people to judge of genuine eloquence, were the laws by which they are urged to decide less voluminous and contradictory. But there is no end to the making of laws, nor to the confusion which the manufacture produces. The laws of rhetoric have increased in proportion to all the others; until, while rules for making good speeches have been steadily accumulating, the number of good ones made is proportionately on the decrease.

An old friend of mine, alluding to the increase of the statute-book, which he declared his inability any longer to cope with, observed, laying his hand on his heart, "but I have a little law-maker in here, and I must trust to him to keep me out of law." I must confess that, when sometimes seeking for the

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sources of true eloquence and puzzled with the logicians and rhetoricians and sophists, I have been tempted to close the books, and turning in upon my own thoughts, to seek for some simple standard by which to form my own taste and find my own way. Many of you, I doubt not, have done the same; but there may be others to whom a very simple rule may be of service, if upon reflection it is found to be of any value.

If asked then by any youth in this assembly, how he should become an effective and impressive public speaker, I would answer:

“Speak the truth—and feel it.”

I know of no rule better than this—I know of none so good. I think it is fortified by all the best examples and includes the pith and essence of all that has been written by the best critics.

A practised speaker may utter what is untrue, and may not feel at all; but the impression he makes will be in proportion to the probability of the facts he assumes, the plausibility of his reasoning and the apparent earnestness of his manner. So universally is this the case, that the very exceptions may be said to prove the rule and may embolden any man, however unskilful, who is strong in the truth and really in earnest, to beat down all the guards and finally overcome the most cunning rhetorician. The actor, it may be said, declaims what has no foundation in fact and cannot believe in the reality of what he utters; but it will be found, that just in proportion as the scene is true to nature, the sentiments noble and elevated, and the actor is really convulsed by the passions he delineates, will be the depth and overpowering character of the impression made upon the audience. The orator must really feel what the actor feigns, or he must become an actor and feign so adroitly what he ought to feel, as to create the belief that he is indeed in earnest. This will ever be a task of great difficulty and delicacy; the safer course for plain men, dealing with the practical business of life, is:

“To speak the truth—and feel it.”

Let it not be supposed that this rule is too simple and includes too little of labour and research. There may be cases, in which a few words embodying an important truth or a noble sentiment and spoken with dignity and force, may carry a point more surely and produce a more powerful effect than the most skilful and elaborate oration. Of this character was the address of Rochejaquelein to the Vendéans:

“If I advance, follow me—if I fall, avenge me—if I fly, slay me.”

That of Hegetorides, the Thasian citizen, who at the risk of his life proposed the repeal of an impolitic law:

“Fellow-citizens, I am not ignorant of the fate that awaits me; but I am happy to have the power to purchase by my death your preservation. I therefore counsel you to make peace with the Athenians.”

That of Scævola, to the King of Tuscany, when his hand was burning :

"Learn how little those regard pain who have before their eyes immortal glory."

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Volumes of words could not have produced the effect of these short sentences, which any man of ordinary intellectual powers, without study or premeditation, might have uttered. Whence the electrical effects, precipitating masses of half-armed peasants upon the bayonets of disciplined soldiery in the one case ; and, in the other, preserving the lives of the speakers, doomed to apparently certain death ? These men spoke the truth, or showed, by their courage and elevation of soul, by the imposing energy and earnestness of their elocution, that they felt what they said—that they were in earnest.

What a noble sentence was that spoken by Nelson, from the masthead of the *Victory*, on going into action : "England expects every man will do his duty ;" and every man did it. Why ? Because he knew that Nelson was in earnest ; that he felt what he said ; that he would lead the way into the thickest of the fight and lay down his life for his country. That bit of bunting, then, was truly eloquent, because he who hoisted it was a man to suit the action to the word. But, suppose it to have been hoisted by a poltroon—a man of no mark or likelihood or experience ; though none could have objected to the sentiment, very few would have been warmed by its utterance. Its influence was electrical, because every sailor in the fleet saw Nelson standing on the quarter-deck, his eye flashing with patriotic ardour, and his shattered frame ready to enforce the signal with its last pulsation.

You will perceive then, that something more than mere earnestness of manner is required to give effect even to such short speeches as these. To attain their object, there must be something in the life, the position, the achievements, of the party who speaks, to give to his audience a guarantee of earnestness and sincerity. For the absence of these nothing can compensate. So live then, my young friends, that when a great truth, a noble and elevated sentiment, rises to your lips, it may find an audience predisposed to feel that it is not out of place.

It is a mistake to suppose that genuine eloquence is confined to the pulpit, the forum, or the floors of Parliament. There are a thousand situations in which a good and a brave man, by a few words well chosen, spoken with earnestness and deriving weight from personal character, may serve himself, his neighbour or his country. Treating of the most ordinary of these occasions, Bacon hath well said : "Discretion of speech is more than eloquence ; and to speak agreeably to him with whom we deal is more than to speak in good words or in good order." There is room for the best kinds of oratory in pleading the cause and stating the claims of the humble in the ordinary affairs of life. How often will a word flash truth into the coarse or selfish mind ; a look or a gesture put aside some petty oppression. And in these cases, what weight is given to words by a conviction of earnestness, of deep feeling, by the guarantee of an upright and guileless life.

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There is room for eloquence by the fireside and in the social circle, in soothing the infirmities of age, and in opening the minds and stimulating the ambition of the young. To my eye, there is no more beautiful picture than that of "an old man eloquent," pouring with all the fervour of affection the treasures of experience into the minds of children clinging round his knees, in whose transparent features he reads the story of his early love and of his chequered life. Yes, there is, perhaps, a picture still more attractive; it is that of an ingenuous youth, who as that old man declines to second childhood, rouses his dormant powers by apt discussion or new intelligence; and supplies, from his teeming stores, the oil without which the flickering lamp of intellect would scarcely shed a ray.

How weightily fall that old man's words, when his children feel that he is in earnest and that they have the pledge of a well-spent life for the sincerity of his convictions. But who shall paint the smile that lights up that venerable countenance, as the patriarch straining each rigid sense, recognizes in every tone and gesture, in each elevated sentiment and well-selected fact uttered by that boy, indications of intelligence and enthusiasm, which assure him that the fire of his intellect and the manly qualities of his nature will survive, for the use of his country and the illustration of his name, when his bones are mouldering in the grave.

There may be few here who are born to be great orators. I trust there are many who will realize these pictures; and some who, if occasions present themselves, will show how truly eloquent men become! who, in a good cause, back their words with heroic self-devotion.

You will expect me to apply my rule to eloquence in its more extended sense, and I shall endeavour to do so by-and-by; although, I must confess, that I love to linger upon the less pretending, domestic, and, if you will, inferior departments of the art. Perhaps it may be that I feel my inability to cope with critics by whom the highroad has been beaten, and am more at my ease in the byways. It may be, that I would rather have you all good men and true, able "to give a reason for the faith that is in you," and to speak a word in season, without dissimulation and without fear, than have two or three of you distinguished rhetoricians, able to maintain either side of any question, and not much caring which side you take. It may be that I over-value this essential element of sincerity; but I cannot bring myself to believe that there is any true eloquence without it. I would rather listen to Sterne's Starling, mournfully singing, "I cannot get out," than read the most pathetic description of unreal misery that rhetorician ever uttered.

I will not go the length of saying that Lord Nelson was a greater master of eloquence than Demosthenes, although I might almost prove it from the rhetoricians themselves, who define oratory to be "the art of persuasion." It was the design of the great Athenian to persuade his countrymen to win battles, not to lose them; to secure the liberties of Athens against the

encroachments of Philip, not to fall, after a few vain struggles, prostrate at his feet. In all the great objects for which he spoke, passing over the temporary excitement which he created, Demosthenes signally failed. It is almost profanation to say, that he was not in earnest in anything, except in the desire to make good speeches, which he did; but that if he had spoken less and died on the Macedonian spear, with one terse, vehement, national sentiment on his lips, in all probability the liberties of his country would have flourished half a century longer. Demosthenes filled his mouth with pebbles, declaimed by the sea-shore, gesticulated with drawn swords suspended above his shoulders, but threw his shield over his head and fled, when his sincerity, the real depth of his feeling, came to be proven. The Athenians admired the orator, but could not depend on the man, and probably thought that if they were all slain in defending the liberties of their country, there would be nobody left to admire the next oration in which Demosthenes should undertake to persuade the people to do what he shrank from doing himself. Lord Nelson would have spoken a single line, but he would not have left Philip with a single sail in the classic seas. With that line, spoken in earnest, and backed by his own high spirit, he would have accomplished more than Demosthenes with his studied orations. If, then, Campbell is right in saying that "Eloquence, in its greatest latitude, denotes that art or talent by which a discourse is adapted to its end"; or if the object of oratory be the "production of belief"; or if rhetoric be the "art of persuasion," in either or all of these cases Nelson may, perhaps, be considered the more eloquent of the two. At all events, if I had my choice, I would rather have one practical and sincere man like Nelson in Nova Scotia, with his heart on his lips and his life in his hand, than a dozen rhetoricians with mouths full of pebbles, uttering "sound and fury, signifying nothing."

This may be a harsh judgment of Demosthenes, whose speeches are the highest models of rhetorical composition—worthy of all imitation and all praise. He doubtless was a sincere man, to the whole extent that he knew his own nature; but incapable of that heroic self-devotion which he inculcated as a duty upon others, which was the true eloquence his country required, and without which it could not be saved. To give full effect to eloquence, not only the action of the body, but the action of the life must be suited to the word. Elliot, dying in prison, pleaded more eloquently for the liberties of England, than Elliot declaiming in the House of Commons. Chatham, falling in the House of Lords, touched the hearts of his countrymen more keenly than his noblest passage delivered in the plenitude of his matchless powers. Had Demosthenes rounded his periods with an heroic death, his name would have "fulminated over Greece" with a majesty which even his oratory, almost divine as it was, could never reach.

Take a few more instances of the effect of sincerity as an essential element of successful oratory. Some of the most beautiful are to be found in holy writ.

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When Nathan spoke these words to David, there was something exquisitely touching in the picture which he drew :

“There were two men in one city ; one rich and the other poor.

“The rich man had exceeding many flocks and herds.

“But the poor man had nothing, save one little ewe lamb, which he had bought and nourished up ; and it grew up together with him and his children ; it did eat of his own meat, and drink of his own cup, and lay in his bosom, and was unto him as a daughter.

“And there came a traveller unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him ; but took the poor man's lamb and dressed it for the man that was come to him.”

There may be finer things than this in classic oratory and poetry, but I must confess I know not where to find them. Who can wonder, while he beholds in his mind's eye “the little ewe lamb” lying in “the poor man's bosom,” that David was moved to terrible indignation, and said :

“As the Lord liveth, the man that has done this thing shall surely die.”

All this is beautiful and natural ; but when the poor prophet, moved by a sense of duty and holding his life in his hand, as the gauge of his sincerity and deep conviction, turns to the great king and, pointing his finger at him, pronounces these terrible words, “Thou art the man !” the whole scene rises in oratorical sublimity to the level of any passage in any language.

Why is this ? Because Nathan risks all—dares all, from a sense of moral obligation ; because he “speaks the truth, and feels it.” Because to him, whatever men most value, the pride of place, the favour of a mighty monarch, nay, life itself, are perilled by the expression of virtuous emotion and a vindication of the eternal principles of justice.

We have had some dissolute monarchs on the throne of England, and I have searched among the divines for a parallel proof to this, but I have looked in vain ; and therefore it is, that while this short sermon has lived for centuries and will be read to the end of time, many of their gilt-edged volumes of discourses, perfect in rhetorical proportion, but which they did not feel, are mouldering on the shelves.

It may be said that Absalom defeats my theory, for though a dissimulator from the first, “he stole the hearts of the men of Israel.” He did, but it was by a consummate imitation of truth, aided by elevated rank and the most rare intellectual and physical endowments. Absalom was the Alcibiades, the George the Fourth, of his day, with “fascination in his very bow.”

“In all Israel there was none to be found so much praised as Absalom for his beauty ; from the sole of his foot to the crown of his head there was no blemish in him.”

When such a man, the heir-apparent, stood in the king's gate, descanting on the grievances of Israel, shaking hands with the Jews, and regretting that he was not a judge, it is not to be wondered at that he had influence. But this

proves, not that he was an orator, but that the people had not the sense to detect the artifices of the showy and plausible rhetorician. Had they applied the true tests to Absalom; had they asked, Has not this man slain his brother?—Is he not stirring up sedition against his father?—Can a monster, so unnatural, be a safe leader and a good judge?—Absalom would have exhausted his rhetorical art in vain.

There is a fine oratorical scene in the Old Testament, where Solomon, having completed the temple, “stands before the altar of the Lord in the presence of all Israel, and spreading forth his hands to Heaven,” beneath that gorgeous structure, which had cost him eleven years of toil and anxiety; upon which thirty thousand men had laboured; which had exhausted the forests of Lebanon and the gold of Ophir, puts up that memorable prayer, filled with devotion to his Maker, and solemn admonition to his people. Here again it is his sincerity, the utter negation of self, which is most to be admired and gives the highest charm to the performance. Though he had just reared a noble pile, the wonder of his age and nation, and was about to sacrifice two-and-twenty thousand oxen and one hundred and twenty thousand sheep to distinguish its dedication, not a vainglorious word escapes him. He even attributes the original design to his parent; and, when invoking the presence and the benediction of his heavenly Father and contrasting the eternal temples not made with hands with his highest architectural conception, he checks himself and exclaims:

“But will God indeed dwell on the earth? Behold, the Heaven and Heaven of Heavens cannot contain thee; how much less this house that I have builded!”

There are few things finer than that burst of Job’s, whose sincerity we cannot doubt, where, after portraying the abject misery of his present condition, he turns with the eye of faith to the promises of a Saviour:

“Know now that God hath overthrown me and hath compassed me with His net.

“He hath also kindled His wrath against me and He counteth me unto Him as one of His enemies.

“He hath put my brethren far from me and my familiar friends have forgotten me.

“They that dwell in mine house and my maids, count me as a stranger: I am an alien in their sight.

“I called my servant and he gave me no answer; I entreated him with my mouth.

“My breath is strange to my wife, though I entreated for the children’s sake of mine own body.

“Yea, young children despised me; I arose, and they spake against me.

“All my inward friends abhorred me; and they whom I loved are turned against me.”

What a picture of utter loathsomeness and personal desolation is here. How strangely it contrasts with Nathan’s sketch of the poor man,

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surrounded by all the kindly charities of life, with the pet lamb lying in his bosom.

Yet, when Job rouses himself, and peering through the darkness of his present condition, beholds the brightness of the Saviour's glory, there is an oratorical elevation in his hope, which casts even Nathan's indignation into the shade. We no longer see a broken-hearted old man, covered with sores, but behold a prophet of the Lord, glowing with holy inspiration :

"Oh that my words were now written ! Oh that they were printed in a book !

"That they were graven with an iron pen and lead in the rock for ever !

"For I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth :

"And though after my skin worms destroy this body, yet in my flesh shall I see God."

But, it may be said, what have these passages to do with oratory ? Much ; the painting in both is admirable, and the rhetorical bursts, taken in connection with the positions of the speakers, are magnificent. Besides : it may be as well to show that the sermons of those who boldly reprove great men live longer than the fulsome adulation of the sycophant ; and that there is no situation, however loathsome and abject, to which a human being may be reduced, to which strong inspiration and elevated sentiment may not lend dignity and grace.

In reading the New Testament, how often we are struck with fine oratorical passages and imposing positions. How often is the interest deepened, if not wholly created, by a conviction of perfect earnestness in the speakers. The apostles were no mere teachers of rhetoric, visiting different cities, to display their skill in reasoning upon indifferent topics with equal ability and ease. They were men dealing with the highest interests of humanity—who "spoke the truth, and felt it." There is no mannerism, no mere tinsel ornament, no shrinking, no fear. Whether surrounded by the infuriated Jews, or the wondering Gentiles—in the synagogue, on the hillside, or before the judgment-seat of kings, we find them self-possessed and eloquent. It may be said they were inspired—I grant it : but I hold that a firm conviction of the importance of great truths ever has brought and ever will bring sufficient inspiration to make men eloquent in their promulgation and defence. I say a firm conviction, because men may accept truth without feeling its value very intensely, and such will ever lack the inspiration to proclaim it—to suffer—to die for it. Such may be cold rhetoricians and elegant mannerists, but they will never be eloquent, or produce any enduring or permanent impression.

Let us test the correctness of this observation by reference to some of the successors of the apostles, who were no otherwise inspired. Show me a successful preacher of the gospel, who has produced any remarkable effect in the religious world, and I will show you a man thoroughly in earnest. Take St. Patrick for an example, and you will find that he was not only eloquent, but that his oratory gushed out from a heart filled to overflowing

with fervent piety; in which reverence for the Most High was blent with an enlarged philanthropy; so that every word he uttered was enforced by purity of life and nobleness of soul. Think you, if he had been a mere rhetorician—apt at scholastic disputation, but living, like many a modern prelate, in luxury and profusion, on princely revenues drawn from the sweat of poor men's brows, that he would have converted a kingdom to Christ? No: hundreds who may have believed the truth but did not feel it, have tried that experiment, and what is the result? That the people have left the trained rhetoricians with their senior wranglers' diplomas in their pockets, and have gone to hear genuine eloquence from the poor self-denying priest or dissenting clergymen, over the way.

What was the secret of John Knox's success in Scotland? Again the answer is, he was in earnest: so much in earnest, that even the first principles of rhetorical science were constantly violated by the coarseness and intemperance of his manner. To him the delicate proprieties of life, the artificial divisions of society, the triumphs of architecture, "thrones, principalities and powers," were as nothing, when they appeared to dam up or discolour the waters of life. It was in vain that the clang of murderous weapons broke upon his ear—that glaived hands menaced and noble brows were bent. "Wist ye not that I must be about my Father's business?" was the prevailing sentiment of the enthusiast, as he turned from or defied such vanities as these. The smile of that royal beauty—so winning and resistless, which, faintly reflected by the pencil, we love at this very hour, fell on the torrent of Knox's eloquence as the sunbeam falls upon Niagara; revealing, it may be, its depth and volume, but powerless to change its current or quell the deafening thunder of its roar.

The Scottish hills were filled with orators of this class during the persecutions; whose spirit and whose principles survive them and whose memories will probably haunt the heather while it grows. These were no subtle schoolmen, trained to artistic disputation—they were men who had "embraced the truth, and felt it"; who preached upon the hillside where they were prepared to die; who poured forth the truths they felt with beautiful simplicity, with the bay of the slot-hound and the tramp of dragoons sounding in their ears. These men were listened to, believed and loved, because they were in earnest; and many became orators, as the dumb son of Cræsus learned to speak, from the strength of the domestic affections and the perils of the hour. So it ever will be. Eloquence must gush out of the warm heart. We drink the water that is trained through leaden pipes; but, when a country is to be irrigated or overflowed, the supply must come from the heavens, or well from the fathomless fountains which no human eye can trace.

How was it that John Wesley created, not a mere contemptible schism, but a great moral revolution in the Protestant Church? That he founded a new order of Christian ministers, and sent them not only all over the civilized but into the remotest corners of the heathen world? How is it that his hymns

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were sung this week by millions of people called by his name, in thousands of churches that were not in existence when he was born? How is it that an organized Church government, perfect in all its parts, radiating from a common centre and including members of every clime and country, bids fair to perpetuate his system and immortalize his name? You may tell me because he was a great scholar and a great orator, but I tell you it is because John Wesley was in earnest; because he felt the truths he preached; because he strictly conformed to the requirements of the system he promulgated; because, in the whole tenor of his life, he suited the action to the word.

To him it could never be said :

“ But, good my brother,
Do not, as some ungracious pastors do,
Show me the steep and thorny way to Heaven,
Whilst, like a puff'd and reckless libertine,
Himself the primrose path of dalliance treads,
And reck's not his own rede.”

Take another instance. The captivity of the Holy Sepulchre, and the cruelties practised by the Saracens upon Christian pilgrims, were truths known to all Europe in 1092. Peter the Hermit was not the only man who knew them, but he was perhaps the only man who felt them deeply; who made them the subject of his daily thought and nightly meditation; who not only comprehended the whole scope and nature of the grievance, but had the courage and energy and self-devotion to grapple with it. With such a theme, little more was required to make him truly eloquent; and, by the united testimony of contemporaries, truly eloquent he was. The man was in earnest; he felt the truths he uttered. His very earnestness and enthusiasm supplied all deficiencies. He was the true fiery cross; and as he passed from city to city and country to country, the souls of men kindled, until Europe was in a flame. The peasant beat his ploughshare into a weapon; the baron ceased from rapine and violence, to assume the symbols of salvation; and monarchs left their kingdoms to the government of Heaven, while they crossed the seas, to purchase eternal life by the thrust of lance and stroke of sword. Peter was no cold and formal rhetorician, but a man of action and desperate courage; ready to lead the way he pointed, to do what he advised should be done. His very defects, as a warrior and a leader, arose from the excess of those qualities which made his oratory so overwhelming; a disregard of difficulties, in his reverence for his cause, and his firm reliance upon the direct interposition of Providence. If his sermons have not been preserved, history records on many a sad and many a brilliant page the singular effects they produced. Fleets were constructed and armies marshalled, as if by magic; the best blood of Europe was poured out like rain upon the sands of Palestine; the enthusiasm of the Moslem was met by enthusiasm higher than his own; a new road to Heaven was opened, by which “strong men armed” might enter. Thrones were

shaken and principalities founded; and out of this military chaos, with its worldly policy blent with religious excitement, came more extended knowledge and the nascent principles of freedom and civilization. We turn back to trace the origin of these mighty movements and we find a poor monk, with a coarse frock over his shoulders and a rope round his waist, but with his whole frame convulsed with the reality of his emotions and his whole soul speaking with what Shakspeare calls

“The heavenly rhetoric of the eye.”

I doubt if Wolsey was ever so truly eloquent as after his fall; when, on that journey to York, which was to be his last but one, he preached to the people and blessed the little children who flocked around him.

While struggling up the steep ascent of worldly greatness, he had been

“Exceeding wise, fair spoken, and persuading.
I’ the presence
He would say untruths; and be ever double
Both in his words and meaning.”

Genuine eloquence wants no such aids, and eschews such practices. But when he fell, when he had exclaimed:

“Vain pomp and glory of the world, I hate ye.
I feel my heart new opened;”

he rose in eloquence as rapidly as he declined in power, and he who was deemed no longer suitable for an earthly minister, became a true minister of Heaven. Then it was that he gave such lessons as these:

“Love thyself last; cherish those hearts that hate thee;
Corruption wins not more than honesty.
Still in thy right hand carry gentle peace,
To silence envious tongues. Be just, and fear not.
Let all the ends thou aim’st at be thy country’s,
Thy God’s—and Truth’s.”

Then it was, that as the courtiers fled his presence, the people gathered round him; to hear those precious words of wisdom in which there were no double meanings; to be moved by eloquence, bursting from an overcharged heart, and pregnant with the realities of vast experience and moving vicissitudes of fortune.

Thus far I have drawn my illustrations from the sacred volume, and from the lives of those who have been its distinguished expounders. I have done so without reference to the subdivisions of the Christian family; thank God, there is nothing sectarian in oratory. The fountain from which true eloquence flows is not part of the church property of any denomination. One spire after another may attract the lightning or be shaken by the thunder; but the home

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of both is in the cloud which floats above them all. So is it with that Divine afflatus, that kindling inspiration, which descends at times for the purification of all sects, but which no sectarian can confine in the hollow of his hand.

If it should not seem out of place, or savour of irreverence, I would pause for a moment to consider the Great Founder of the Christian family, in the purely oratorical phases of His earthly story. Veiling our eyes for a moment to His divine perfections, to His astounding miracles, let us regard Him as a man, reasoning with men and influencing them, through the senses, by the power of language. I must confess that, judging from the scanty memorials that remain to us, I have ever regarded Christ as the prince of orators; and reflecting on the limited amount of these, when I have heard persons mourning over the loss of classic treasures, coveting a book of Livy, or a speech of Bolingbroke, I have involuntarily sighed for the lost biography and oratory of our Saviour.

What we have is all-sufficient to enable us to judge of the rest. Like the fragments of a noble statue, the lines of beauty we can trace determine the exquisite character of the whole. But one saying of Jesus is recorded until His baptism by John. Yet we are told by Luke, that

“The child grew, and waxed strong in the spirit, filled with wisdom, and the grace of God was upon Him.”

How often, among His youthful companions, and in the domestic circle, must that strong spirit have flashed out and that knowledge have overflowed! Yet the apples of wisdom borne by the green tree are forbidden fruit to us. None has been preserved. What they were like, however, we may gather from that most touching incident of His early life, when about twelve years old, Joseph and Mary lost Him, and turning back to Jerusalem, “found Him in the temple sitting in the midst of the doctors, both hearing them and asking them questions. And all that heard Him were astonished at His understanding and answers.” What a scene; what a discussion, must that have been, where the Jewish doctors were confounded by a child of twelve years old! From this period till He was thirty, all His eloquence is lost to us; though it is recorded, that He “increased in wisdom and stature and in favour with God and man.”

The power of His eloquence may be judged by the fact that after the temptation, while we behold Him in His mere human and intellectual character —“there went out a fame of Him through all the region round about Galilee, and He taught in their synagogues, being glorified of all.” Talk of the lost treasures of literature! I would give the whole and a cartload of sermons into the bargain for but one of these discourses to the Galileans. The burden of but one is preserved by Mark; and when I have sought to call up before my mind’s eye the figure of a perfect orator, I have imagined Christ, with the divine inspiration shining through those noble features and animating that graceful form, to which the highest skill of the artist can do but feeble justice; with the Sea of Galilee before Him and an awestruck auditory clustering round,

as those fearful words, uttered as He only could pronounce them, sounded in their ears :

"The kingdom of God is at hand. Repent ye, and believe the gospel."

His subsequent discourses which have been preserved, to say nothing of their divine wisdom and inspiration, and regarding them in their rhetorical character, are masterly specimens of oratory : the purest morals being adorned with the highest imagination, without one violation of good taste, or one superfluous word. Though we might dwell on this theme for hours, and illustrate it by the whole New Testament, I shall content myself with two extracts. The first is the opening passage from the Sermon on the Mount :

"Blessed are the poor in spirit : for theirs is the kingdom of Heaven.

"Blessed are they that mourn : for they shall be comforted.

"Blessed are the meek : for they shall inherit the earth.

"Blessed are they who hunger and thirst after righteousness : for they shall be filled.

"Blessed are the merciful : for they shall obtain mercy.

"Blessed are the pure in heart : for they shall see God.

"Blessed are the peacemakers : for they shall be called the children of God.

"Blessed are they which are persecuted for righteousness' sake : for theirs is the kingdom of Heaven."

We, who have had this message of mercy sounding in our ears from childhood, till constant familiarity has partially deadened our perception of its spirit, condensation, energy and beauty, can form no idea of the feelings which it was calculated to excite in the poor and unlettered auditory, whose country was groaning under a foreign yoke ; whose city was torn by factions ; and whose minds were perplexed by the rhetorical flourishes of the teachers of rival sects, who were equally blind guides to the people ; and who only agreed in making them toil, that those who perplexed their understandings might sit in the uppermost seats at feasts, and revel in the odour of a sanctity that was assumed.

When turning upon these blind guides, how fearful is that burst of oratory in which they are denounced ! Cicero's "How long, O Catiline," sinks into insignificance before it :

"Woe unto you, scribes and Pharisees, hypocrites ! for ye shut up the kingdom of Heaven against men ; for ye neither go in yourselves, neither suffer ye them that are entering, to go in.

"Woe unto you, scribes and Pharisees, hypocrites ! for ye devour widows' houses, and for a pretence make long prayers ; therefore ye shall receive the greater damnation.

"Woe unto you, scribes and Pharisees, hypocrites ! for ye compass sea and land to make one proselyte ; and when he is made, you make him twofold more the child of hell than yourselves.

"Woe unto you, scribes and Pharisees, hypocrites ! for ye pay tithe of mint

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and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy and faith.

"Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones and all uncleanness."

In the whole range of human invective, where shall we find such terrible oratory as this? And when thundered, for the first time, in the ears of men swollen with pride and self-importance, strong in their mere worldly wisdom and mistaking their ceremonial observances for genuine piety, the scene must have been one to which our feeble imaginations can never do justice.

In passing from the oratory of the Saviour, I need hardly remind you that His example confirms, rather than weakens, the maxim with which I set out. Who can doubt that He was ever in earnest? That He spoke the truth, we know; that He felt it, a Christian audience will not readily disbelieve.

Two questions will probably arise in many minds:

But WHAT IS TRUTH? and

How far may Art assist Nature, in rendering its utterance pleasing and impressive?

To answer these questions, we should require to enter upon the broad field of oratory, redolent of perfume and cultivated to luxuriance by the sister arts of rhetoric and logic. This task will probably be assumed by some more experienced guide; if not, we may devote to it some other evening. To essay it now would be to violate a fundamental rule of the art we seek to teach, by trespassing on the time of an audience already sufficiently weary.

Mr. Howe's greatest triumph in 1845 was, probably, the impression he made, contrary to everybody's expectation, upon the county of Lunenburg. This county, originally settled by Germans and peopled by their descendants, had hitherto sustained every Government. Its inhabitants, a fine race, but attached to the traditions of their fathers, were assumed to be impervious to political speculation. Mr. Howe went among them, and addressed about one thousand of them in their shire town in the open air. "I half expected," he was heard to say, "that they would have broken my head. They carried me home on their shoulders." Other meetings followed at Chester, Mahone Bay, and Lahave, and when the elections came round three of Lord Falkland's supporters were unseated and three of Mr. Howe's friends returned. No extended reports of the speeches delivered in this county remain, but those who were present at these meetings expressed their astonishment at the perfect mastery which Mr. Howe so suddenly acquired over the German mind. The following extract from a speech delivered on October 28th, is taken from one of the newspapers of the day:

I have been told that it was useless to come here ; that the Germans loved not free discussion ; that they could not understand me ; that they were deeply prejudiced ; and that they venerated Tories as some of the heathen nations reverence the ape. Can this be true ? Have you the hands to toil and the frames to endure, yet not the intellects to understand the true interests of our common country ? Does the old German blood lose its generous and ennobling qualities when it circulates through a Nova Scotian's veins ? Have you the industry, the frugality, the honesty of fatherland, yet lack its love of light, its patriotic ardour, its aspirations after knowledge, its devotion to rational liberty ? Forbid it, Heaven ! The German an enemy to free discussion ! That would be strange indeed. Who, when the world was shrouded in darkness—when knowledge was confined to the student's cell, and free discussion was a crime, first invented the printing press ? A German. Where is that precious relic of human ingenuity and intelligence still preserved ? In a German city, beneath the shadow of the noble hills of the vine-clad and abounding Rhine. The Germans Tories—the subservient tools of bad men in power ! It may be so ; and yet I read in history, that when Europe groaned beneath the feudal system—when each mail-clad baron built his castle on the rock and harassed the peasant and levied contributions on the merchant, it was to German energy and courage and intellect that Europe owed its freedom. Then it was that the free cities of Germany formed that noble league, combining all who lived by labour against those who lived by rapine and battering about their oppressors' ears the strongholds of Toryism, whose ruins survive but to decorate the scenes they no longer overawe.

[In approaching the subject of responsible government, Mr. Howe traced the evils which afflicted the three kingdoms before its introduction in 1688.] But it may be said, what interest has the German in this question ? If that were possible, even more than the common children of the soil, sprung from other sources. Let it never be forgotten that with the German dynasty came responsible government into England ; that, under the House of Hanover, it has flourished ever since ; and that Queen Victoria, an English Queen, sprung from a German stock, rules by the very principles we have assembled here to assert. If then you were all Germans, as your forefathers were in 1758, you could not be enemies to free discussion ; you could not be Tories ; you could not be foes to responsible government. But you are Nova Scotians ; you are my countrymen, bound to love, to cherish and to guard the land which Providence has given you as a home for yourselves and an inheritance for your children, and it is a foul slander to assert that, in the struggle for her dearest interests, you will be found behind the rest of her population.

On the 28th of November a mass meeting was held in the capital, at which a series of spirited resolutions, applicable to the then position of public affairs, were passed. Among them we find the following :

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Resolved, That the unwearied efforts made by Mr. Joseph Howe to arouse his countrymen to the importance of the present crisis and to communicate to distant and scattered constituencies sound information, demand from us the expression of our steady confidence and approbation ; while the unconstitutional proscription of that gentleman, by the advice of the inveterate enemies of good government and rational colonial advancement, but gives him a higher title to our cordial and united support.

Mr. Howe acknowledged the compliment paid to him in the resolution, and, alluding to the proscription, said that he would like to be proscribed again, as his enemies had been condemned by twenty-two public meetings, and he had been complimented with eleven public dinners. He wondered in what part of Nova Scotia his Lordship's Councillors could carry a majority, or where his Lordship could get a public dinner. His Lordship had the Government, and was welcome to it ; the ex-Councillors had the hearts of the people, by far the most honourable heritage and the fairest possession.

Early in December, Lord Metcalfe arrived here, *en route* for England, to die ; Earl Cathcart, commander of the forces, being left to administer the government. With the departure of Lord Metcalfe the struggle in Canada for administration by a Cabinet, formed and led, consulted and responsible as in England, ended. We had to struggle a little longer, but everybody could now see sunlight through the clouds.

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Disqualification Bill—Speech in reply to Mr. Wilkins—Lord Falkland's attack on Messrs. George R. Young and William Young—Mr. Howe's speech—Suggestion to horsewhip the Governor—Vote of censure on Mr. Howe—Letter to his constituents—Mr. William Young's letter—Mr. Howe's letters to Lord Falkland—Death of S. G. W. Archibald—Reconstruction of administration—Arrival of Sir John Harvey—Mr. Howe speaks at Guysborough, Antigonish and Merigomish—Letters to Lord John Russell—The New York *Albion* on Mr. Howe's letters.

FROM time immemorial a levee had been held by the Queen's representative on New Year's Day. The ceremonial was omitted in 1846, and the circumstance was assumed to indicate that the real state of public opinion had at last penetrated into Government House.

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The session opened on the 10th of January. In England, Sir Robert Peel resigned about the end of the month, and the Whigs came in again under Lord John Russell. Lord John subsequently retired, but replaced Sir Robert again in July.

Hoping that responsible government might be thereby strangled, and the difficulties of the Liberals—should they ever come into power—be increased, the object of Lord Falkland appeared to be to withdraw from the control of Parliament such offices as fell vacant and which might be converted into departmental offices and held by members of administration on the tenure of public confidence. On the defalcation of the late treasurer, his Excellency appointed Mr. Fairbanks to that office, promising it for life, though it had been especially named in Lord John Russell's despatch as one of those which should be held by a parliamentary tenure; and when, as was afterwards discovered, the salary being voted annually, no patent such as Mr. Fairbanks was induced to rely on was worth a sixpence. A bill, introduced by Mr. J. G. Marshall, for disqualifying certain officers from sitting in Parliament, was designed to carry out the same policy, and was, after a sharp debate, carried during this session. In attempting to pay over to certain public officers £7800,

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claimed as arrears of salary, the Government was signally defeated, and the consideration of the subject postponed.

We give some extracts from Mr. Howe's speech of February 5th on Marshall's bill, delivered in reply to Mr. L. M. Wilkins, which illustrate the compactness and energy of his style :

The learned member told us that the constitution of Nova Scotia was the work of a Colonial Secretary. I deny the fact. Our constitution was worked out on the floor of this House, by the conflict of colonial opinion ; by the energy and sagacity of Nova Scotians themselves, aided by a combination of circumstances in the other colonies. Lord Glenelg never yielded one concession till it was asked by this Assembly ; Lord John Russell wrote no despatches not based on our constitutional demands ; and Lord Sydenham worked out the new system by and with the aid of the leading minds in this Assembly. Nor can a Colonial Secretary destroy our constitution ; it will be guarded, expanded and preserved, by successive generations of intelligent men, in spite of the unnatural attempts of such persons as the learned member for Hants. That gentleman tells us that all important appointments have been given by the present Government to representatives of the people. Let us remind him of the three late appointments made to the Legislative Council ; not one ever represented a constituency in Nova Scotia, though one had borne a high office in the municipality of Halifax. He tells us that the Governor is "nowhere." I do not understand his meaning, but may say that if he were anywhere else but in Nova Scotia, few would be very sorry. The learned gentleman deploras the selfish ambition and absence of moderation in his opponents ; but we can scarcely compare them, in these respects, with the supporters of the present Government. Have they not grasped at every office that has fallen vacant, and divided the offices among themselves ? Do they not seek to withdraw the recipients from this House, that they may hold those offices for life unchecked by popular control ? Were not three silk gowns given to three lawyers in the western section of the Province, the claims of seniors being slighted and the eastern counties being left without counsel for the Crown ? The learned gentleman exhibited some selfishness and but little moderation in claiming his share of the spoils. He tells us that Lord Metcalfe and we are opposed. I deny the fact. Are we pressing for anything more than that nobleman acknowledged in Canada ? Did he not govern by a parliamentary majority, working through heads of departments ? Did not Lord Sydenham and Sir Charles Bagot do the same ? I do not believe that at this moment there is a man in Canada, of any political party, who would make so servile and abject a speech as that to which we have listened to-day.

The learned member is very anxious about the interests of the minority at the next election, and asked what would become of them ? Why, what becomes of us ? We have never excited his sympathies, awakened his solicitude. Here we are, a body of independent gentlemen ; bound together by

public ties; resisting the blandishments of power; rejecting the sweets of office; taking our stand upon public principles; supporting good measures and opposing bad ones; and honourably discharging our duties to our Sovereign, to each other, and to our country. We have asked for nothing—got nothing. Let those who charge us with ambition and selfishness copy our example and follow in our footsteps, if they are left in a minority. If they copy us, they will secure public confidence; if we copy them, we are certain to lose it. But, sir, should parties change sides, our difficulties will not arise from any selfishness or want of moderation in our own ranks; they will not proceed from the manly and disinterested Conservatives, who will go into opposition. Our difficulty will be to deal with such “loose fish” as the learned member, who will support any Government; ask patronage and take it from any administration; and who swim into any pool which happens to be full. How can we resist the claims of Conservative gentlemen who go into distant counties with old newspapers in their hands, applauding our acts and swearing by our opinions? The Opposition may have committed errors and have had their faults;—but a more manly, public-spirited, united, and disinterested body of men were never exhibited by the legislative conflicts of any country. What right has the learned member to upbraid such men? Has he evinced any repugnance to take office? Had the Governor to chase him over the marshes of Hants and to tie his legs, before the silk gown could be forced over his shoulders? Or did the learned member, the moment he saw it fluttering in the breeze, leap into its folds, with an eagerness that only evinced how ready he was for an office more lucrative and honourable? I will tell the learned member how a minority should be protected; first, by the justice of the party in power; and next, by the force of public opinion. A party may form the Government, but once formed it should discharge the Sovereign’s obligations to the whole country. By justice, it will widen its base; injustice will narrow it; and if unjust, public opinion will arm the minority with strength to overturn it. Let the learned member take comfort, then; he will not be without his remedies. The learned member reproaches me with saying Lord Stanley was shelved. I said that the reasons given in England for his removal, by the press of all parties, was the mismanagement of colonial affairs. Whether this be true or not, it cannot be disputed that three Colonial Secretaries, avowing and acting on the principles of the member for Hants, would separate North America from the British Crown, and no power on earth could avert the dissolution of ties that would no longer be worth preserving. If he were a patriotic and loyal Nova Scotian, he would seek to elevate his countrymen, not to depress them; to bind them to England by kindred sympathies, not by sneaking servility and abject fear. Lord Sydenham declared, had he been a colonist,—so rotten and defective was the old system which the learned gentleman admires,—that he would not have fought to maintain it. Let us have a constitution that we can fight for; and then the generous ties that bind us to our fatherland can never be rent asunder.

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The learned gentleman never wearies of denouncing the idea that the "leading minds" of North America are to govern these noble possessions by the constitutional forms, and in the same wise and loyal spirit of mutual forbearance, by which the dignity of the throne is upheld and the liberties of the people are preserved by the "leading minds" at home. His idea of a perfect colonial government is a Governor to whom all knees shall bow, all interests give place, all forms yield, and to whom, however wanting in temper or deficient in intellect, the wise and patriotic natives of the country shall tender no advice and offer no resistance. Carry out his theory and these colonies are lost. But, sir, has his theory ever been reduced to practice here? Look back for forty years and show me a Governor that two or three clever men did not rule. Sir John Wentworth, Sir Peregrine Maitland, Sir James Kempt, Sir Colin Campbell, were all either governed or largely controlled by the adroit and able men by whom they were surrounded, by the leading minds of the day. So it must ever be, because the strong minds that nature produces generally stay at home, while the weaker ones, that can be spared in England, the gleanings of the peerage or the army, are often sent to govern and must succumb to a range of intellect beyond the elevation of their own. Who governs Nova Scotia at this moment? The learned member will tell us—Lord Falkland. I tell him—the Attorney-General opposite, to as large an extent, with as absolute an influence, as Sir Robert Peel in England; aye, and with a tenure of power more secure, because every constitutional avenue of refuge has been closed.

The learned gentleman informs us that respect for Governors is wearing away in Nova Scotia. I deny the fact. The office is still held in high respect by the people; if the individual who fills it has forfeited their esteem, it is much to be deplored, though on this topic I have no wish to dwell. The experience of the past two years has shown all parties the folly of introducing the Governor's name into our discussions; it ought not to be brought here, because it should never be used to influence debate, and if so used will ever lead to criticism and retort. The learned gentleman has raked up an old newspaper and charged me with having changed some opinions expressed in 1835. Suppose I had, sir, what then? I am ten years older now than I was in 1835, and I hope a little wiser, and if my increased experience had shown some opinion to be unsound, some theory to be impracticable, I would come forward like a man (as Lord John Russell did the other day) and announce my recently formed, it might be, but my deliberate conviction. But let us see what were those strange opinions which I expressed ten years ago? "That no Governor in North America can hope to govern by patronage alone." I say so still, and if proof were wanting of the soundness of the maxim, it would be found in the weakness of Lord Falkland's Government at this moment, and in the fact that, with all the patronage of the Province in his hand, for the last two years, he has not been able to seduce one man from the ranks of the Opposition. I am next charged with asserting "that a Governor should have no partisans." I say so

still. A colonial Governor should have constitutional advisers and be free to select them from any party and to dismiss them when he pleases, but he should have neither enemies nor partisans. He should preserve a courteous demeanour to men of all parties and have personal quarrels with none; because he knows not the moment when the honour of the Crown and the interests of the Province may require him to call to his aid those who have been the most active in opposition.

When Sir Robert Peel's Cabinet was recently broken up, to whom did the Queen send a confidential message? To Lord John Russell, the leader of the Opposition—the man who had opposed the Government for years. Her Majesty had neither partisans nor enemies. Lord Falkland could not do this, for he has both; he has quarrelled with one party and must rule by the other, or throw up the reins and retire. What I said in 1835, then, has been confirmed and not weakened by our Provincial experience. But I said that a Governor should be "just to all." I say so still. Justice to all should be the rule of every administration. This was the principle upon which we acted when I was in the Government. Whenever it was violated, as perhaps it was in one or two instances, from a want of local information, the reaction was injurious, and it will be found that the present administration has sealed its fate by a policy which cannot fail to bring down retributive justice.

The learned gentleman tells us that "the sagacity and intelligence of our Governors are the best security for our liberties." If these were our only securities, I should pity my countrymen and deplore the fate of their children; but I would advise them to rely upon their own sagacity and intelligence, as Providence may sometimes send them rulers with very little of either. On what do we rely at this moment? On the Governor—No! but on the control which our own sagacity and intelligence give us over the learned gentlemen opposite, who are bound to sit here and defend every exercise of the prerogative. Suppose the most able men in the empire were selected, they must come here ignorant of a thousand things without a knowledge of which there could be no good government.

The member for Kings is a shrewd and clear-headed man, but suppose he was called, at a day's notice, to govern a Province in India, of the language, the geography, the statistics, the prejudices of which he was entirely ignorant. What sort of Governor would he make? Nay, take the learned member from Hants himself and send him as Lord Provost to Glasgow. Let a herald go before him and proclaim that a "distinguished" lawyer, six feet high, deeply read in classic lore, had come over from North America to govern the city and that the best security for the interests and liberties of the people would be found in "his sagacity and intelligence." I think I see the Glasgow bailies shaking their heads and coming to the conclusion that, though he might be a very fine fellow, as he must be ignorant of ten thousand things that a Lord Provost should know, it might be as well to rely a little on

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their own "sagacity and intelligence." Now, sir, I rely upon my own countrymen for the good government of Nova Scotia, and without undervaluing the rulers who may be sent, I may safely prophesy that they will generally find here more intellect and information than they bring.

The member from Hants made the singular assertion that the present Government had advocated a moderate scale of salaries; but he knows that they demanded £1680 per annum more than we would give them and that the saving of that sum must be placed to the credit of the Opposition. The learned gentleman has again turned to Lord Sydenham's private letters to search for something at variance with his public acts and principles. Sir, I have ever protested against the course which our colonial Tories have pursued towards the memory of Lord Sydenham, in seeking to convict him of double-dealing and insincerity, by which he would appear a charlatan and not a statesman. Who denies that Lord Sydenham may have written that he had put down the cry for responsible government "in its inadmissible sense"? Who would blame him if he did? But can it be shown that Lord Sydenham did not sanction responsible government "in the sense in which we understand it"? That he did not work it by heads of departments? Lord John Russell, we are told, is against us, but do not his despatches recognize the system, and was he not in office till Lord Sydenham died? But we are told that Lord Metcalfe condemns us. In hazarding the assertion I make, perhaps some of my own friends may differ with me; but, from a pretty extensive reading of colonial newspapers and documents, I have come to the conclusion that Lord Metcalfe, though he may have needlessly mistrusted and quarrelled with his advisers, has, since that quarrel, put forth, either under his own hand or from the mouths of his constitutional advisers, more authoritative and explicit avowals of sound principles of colonial government than all his predecessors put together.

The learned member considers the Canadian Government but as "an experiment." Aye, sir, and he might have added that it is an experiment that never would have been tried if such sages as he could have interposed. It is an experiment for the success of which he should pray duly night and morn, for if it fails, then indeed all is lost. But, sir, that experiment will not fail, either in Canada or here; and God forbid it should, even though it may prevent the learned member from sporting his figure in Congress, or discharging the onerous duties of President of the United States. No, sir, British representative government, fairly and legitimately worked in North America, will perpetuate our connection with Great Britain. Deprive us of that and establish the petty despotism that the learned gentleman prefers, and fleets and armies would be sent and railroads constructed in vain.

The learned member was certainly not very consistent when, after he had attacked Lord Durham, who was dead, and the Speaker, who was nailed to the chair, he reproached me with triumphing over a nobleman who was merely out of office. Now, if I had attacked Lord Stanley, the organ of the Government

sets me the example of assailing Lord John Russell, because he is out of office. But I said nothing of the late Secretary except a general reference to the causes assigned by the British press. I never blamed Lord Stanley for the "pretensions" despatch; misinformed by *ex parte* statements, carefully concealed, any man might have written it. But surely his Lordship, whether in or out of office, can never be quoted as authority against heads of departments. What said he in the great Canadian debate:

"He understood by 'responsible government' that the administration of Canada was to be carried on by the heads of departments, enjoying the confidence of the people of Canada, responsible to the Legislature of Canada, responsible for the exercise of their functions in those departments; and more, that the Governor, in propounding and introducing with his sanction legislative measures to the Parliament of Canada, was to be guided by the advice of those whom he has called to his Councils, and was to introduce measures upon their advice, they taking the responsibility of conducting their measures through Parliament."

But I was told that I could not stand five minutes under the lash of the great imperial gladiator. I have seen the arena, and I have seen the men, and far be from me the vanity to compare with their chief in temper of weapon or strength of arm; but this I will say, that if the cause were good, I would rather be cut down, and fall with my face upturned to the foe, than fly before him, as I have seen a learned craven do more than once in the fertile county of Hants. Sir, I respect colonial secretaries and members of Parliament, but I abhor that spirit of tuft-hunting toadyism, which leads some persons to seek for infallible wisdom under a coronet, and to undervalue everything in our own country and to worship what comes from abroad.

In the matter of lords, as of other things, we have learned in Nova Scotia that sometimes "distance lends enchantment to the view," and that figures which overawe by their magnitude and proportions, seen through the haze of the broad Atlantic, on a nearer approach are reduced to their proper dimensions. In the mother country rank is respected and the artificial distinctions of society are preserved, but there are commoners who have outshone the peerage and taken a more enduring hold of the people's affections. What Scotchman would not exchange for Wallace, Knox and Burns, the whole peerage of his country? What Irishman that does not prize Grattan, Curran, Burke, O'Connell, above all who were or are their superiors in rank, but their inferiors in genius? I turn to the sister kingdom, from which my stock springs, and am not ashamed to acknowledge that I am heart and soul a Saxon; but give me Hampden, Shakspeare, Milton, Pitt and Fox, and I will give you as many lords as would stand between this and Freshwater Bridge. The learned gentleman always reminds me of the old Jacobite cavalier who told his son to bow to the crown if he saw it on a bramble. My reverence for the crown is founded on the constitutional privileges and high powers with which it is invested; my veneration for my Sovereign is evoked by her virtues. In

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England the people look up to the peerage, as the basement and shaft of the pillar may be said to look up to the capital, with a consciousness of strength which tempers admiration for the ornaments they sustain.

But, sir, I was surprised to hear the learned gentleman claiming for one nobleman all deference and respect, while trampling upon the memory of another. Lord Durham, he tells us, "was no statesman." May we not ask him, as the Yankee asked Sam Slick, "Who made you a judge?" For really we have never seen any exhibitions of statesmanship that would entitle the learned member for Hants to set himself up for an authority. He compared me to an owl: in his own country the learned gentleman goes by the sobriquet of "the stately bird"; but of this I am sure, that wherever the Government carcase is, there will he be found. When he assailed Lord Durham, he reminded me of the clown in "Hamlet" knocking about Yorick's bones—or of that long-eared quadruped who is said to have kicked a lion when he was dead. Lord Durham no statesman! Why, sir, there is one single conception of that great man's mind—the railroad from Halifax to Quebec—with which North America rings at this very hour, which has called up visions before the eyes of the learned Attorney-General and which, once realized, will supply to these colonies the vertebræ by which their strength and proportions will be preserved. Sir, such sages as the learned member from Hants may affect to sneer at men like Durham and Sydenham, because they are dead and have nothing to bestow; but let him remember that

"They never die who fall in a good cause,"

and let him be assured that successive generations of North Americans will bend over the tombs of these noblemen with veneration and respect; and that from the spots where they repose will come an emanation of light and sweet savour of liberty, cheering to the eye and grateful to the sense, long after the principles they propounded have laid the foundations of rational freedom broad and deep within the noble Provinces which their statesmanship saved to the British Crown. The learned member tells us "we are not ripe for this system"; but I believe that he would rather see Nova Scotians rotten than ripe.

[Mr. Howe here discussed the right of consultation, the independence of the Governor, the unrestrained action of imperial departments, and the security for imperial interests, provided by the new system, and ever respected by the Opposition. He showed that the self-government claimed here was perfectly compatible with the perpetuity of the connection.]

The learned gentleman tells us self-government will terminate our allegiance; I tell him it will preserve it. Cato required his wife to suckle the children of his servants that they might become more attached to the family; and I say, let us suck liberty that we may love England. Though my ornithological researches may not have been so extensive as those of the learned gentleman, I have read of an eagle that, stealing flesh from the altar of sacrifice, carried with it a live coal that destroyed its own nest. The Tories of

North America may seek to carry away the old forms of government from the shrines where they have been devoted for the purification of the people, but let them beware that successful sacrilege draws not down the anger of the gods and dooms them to political destruction.

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On the 21st of February, the personal warfare which Lord Falkland had provoked and carried on for two years reached a climax.

The project of uniting the British North American Provinces by a railroad from Halifax to Quebec was first announced in Lord Durham's report. The policy and practicability of this enterprise had been discussed in all the Provinces for several years. Meetings had been held and committees formed to promote it. Mr. George R. Young took a deep interest in the subject, and, being in England in 1845, had associated himself with certain persons who were, or professed to be, ready to form companies to open not only the inter-colonial road, but the road to Windsor also. Prospectuses were published which led to a good deal of discussion. Mr. Young and his brother, the Speaker, were rather conspicuous members of the Opposition. They had been appointed solicitors to the English company, and their conduct and that of the promoters of the scheme had been severely handled in the organ of the Provincial Government. Of this nobody complained; nor would anybody have complained had any member of the administration, in his place in the Legislature, attacked the Messrs. Young or the persons with whom their names had been associated. But, to the astonishment of everybody, a despatch, with Lord Falkland's name attached to it, was brought down and read before the Speaker's face, in which his own name and that of his brother were repeatedly mentioned, and in which they were held up to condemnation as the associates of "reckless" and "insolvent" men.

The Speaker's feelings on hearing such a despatch read in his hearing, before the House over which he presided, may be imagined; but he was in the chair and for the moment powerless. His brother was apparently stunned by the blow, and everybody else seemed bewildered by the extraordinary spectacle which the House presented.

Mr. Howe saw at once that if a Governor, subject to none of the ordinary restraints of publication, could weave into despatches the names of gentlemen whom he did not like, coupled with injurious imputations and insults, and then send these papers down to be read to the Legislature and published over the Province, any man's feelings might be outraged and any man's character hopelessly

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stained. There was no remedy, legal, parliamentary or personal, for such a state of things. It had never been imagined and had of course not been provided for. He had, hitherto, evinced great good-humour, although spirit and independence enough, in fighting his own battles. But here his friends were assailed. The Governor had smitten the Speaker (with whom he was bound by all our usages to be upon terms of respectful courtesy), in his chair, before the whole House. There was no such case to be found in Hatsell or on our journals. Mr. Howe saw at a glance that Lord Falkland was pursuing a course that must degrade the Legislature and lead to personal collisions. He determined to check him, and did it so brusquely that his warmest friends were for the moment startled and thought he had gone too far. The best proof, however, of the correctness of his judgment, is to be found in the fact, that no such liberty has ever been taken by a Governor with any gentleman's character; or at all events, no such despatch has ever been since brought down. The few words spoken on February 20th have so often been misreported that they should be preserved :

I should but ill discharge my duty to the House or to the country, if I did not, this instant, enter my protest against the infamous system pursued (a system of which I can speak more freely, now that the case is not my own), by which the names of respectable colonists are libelled in despatches sent to the Colonial Office, to be afterwards published here, and by which any brand or stigma may be placed upon them without their having any means of redress. If that system be continued, some colonist will, by-and-by, or I am much mistaken, hire a black fellow to horsewhip a Lieutenant-Governor.

Great excitement was created by this speech. Questions of order were raised, but nobody had taken down the words. A vote of censure was passed by the Government majority, and Mr. Howe on February 23rd addressed the following letter in justification of himself to his constituents :

TO THE FREEHOLDERS OF THE COUNTY OF HALIFAX

GENTLEMEN,—When you are kept for a whole day excluded from the lobby of the Assembly, and, when the doors are opened, find a resolution on the journals censuring the conduct of one of your representatives, it is very natural that you should desire to know why an old friend should deprive you of a day's rational amusement, if there was nothing more to be gained than a compliment of so questionable a character. "Why should Howe get us shut out," I think I hear you say, "if he had no other object in view than to get a rap

over the knuckles?" I had a much higher object in view, and, when you see clearly what it was, I think you will be satisfied that its attainment will be cheaply purchased by your day's exclusion and my rap over the knuckles.

My object was to put an end to a system unknown in this colony until 1844; practised in no other on this continent; abhorrent to an Englishman's nature; dangerous to every colonist,—a system on which the law of England frowns and from which the whole stream of modern parliamentary and executive precedent, flowing from the imperial fountain-head, indignantly turns away.

That you may clearly apprehend my meaning and enter into my feelings, ask yourselves and inquire of each other if there ever was an instance in Nova Scotia, prior to 1844, of a Governor including the names of respectable men, without their knowledge or consent, in Executive communications of a disparaging and injurious character; and then, having employed his own pen to defame, abusing his high office that he might publish; laying his own libellous attacks and innuendoes, by the hands of his Executive advisers, upon the tables of both branches of the Legislature? Many of you are familiar with public events, and documents, for half a century. Can you recall an instance in which a Governor, by such an egregious act, evinced his malice, or his ignorance? I think not. Many of you have grown up and lived under the successive administrations of Sir George Prevost, Lord Dalhousie, Sir James Kempt, Sir Peregrine Maitland, Mr. Wallace, Mr. Jeffery, and Sir Colin Campbell. Do the journals of either House contain one document, written by the hand and made public by the order, of either of those Governors, including the name and striking at the character of any gentleman that they happened to dislike? You will refresh your memories, and search our Legislative archives, in vain.

Many of you are deeply read in British political history. Did you ever hear of the Sovereign including a subject's name (without that subject's knowledge, interference, or consent, and for the purpose of stamping disapprobation) in private notes, directed to individuals, and then, when the negotiation failed, publishing the communication?

Did you ever read that the Sovereign, having vainly endeavoured to silence the opposition of members of Parliament or lure them to support the Government, sent down to both Houses official denunciations of the refractory and sought to damage their characters by misrepresentation and innuendo, under the sign manual?

Did any King or Queen, since 1688, direct a minister to bring down to Parliament the Sovereign's criticism of the conduct of the Speaker of the Commons, in his private capacity as a lawyer, to be read under the said Speaker's nose—he being compelled to record, on the journals of the House over which he presided, the innuendoes aimed at his own character?

If Nova Scotia has been ruled for half a century by a dozen Governors, and the mother country for two centuries by as many Sovereigns, without

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any such breaches of Executive propriety, or violation of the subject's rights, whether British or colonial, the presumption is that none such are indispensable to the good government either of these Provinces or of the United Kingdom. If no public man in England, since 1688, and no one in Nova Scotia, down to 1844, has been thus treated, we are justified in concluding that such outrages are unauthorized by our constitution, at variance with the genius of our laws, and repugnant to all the recognized proprieties of public life.

The presumption is as deeply founded in reason, as it is extensively fortified by the history of representative institutions in both countries. If any set of men, having gained the Sovereign's ear, and seized on the administration, could use the Sovereign's name to brand political opponents and make the official communications from the throne to the people vehicles of personal defamation, no public man would be safe; and the Sovereign, instead of being elevated above the passions and the strife of party, would be brought into personal collision with the subject and be exposed to personal indignity and danger. There could be no opposition to Government, because every man who attempted it would be marked, denounced and branded by an abuse of his Sovereign's name.

In barbarous times, the Sovereign's name was thus abused by bold, bad men, who grasped the prerogatives and often controlled the person of the King. The Duke of Gloucester, in 1483, having vainly endeavoured to induce the Lord Hastings to join his administration, accused his mistress of witchcraft and himself of treason; and cut off the head of Hastings with most indecent haste. The accusations of witchcraft and treason were about as well founded in this case, as the charge preferred by Lord Falkland against Uniacke, McNab, and myself, of menacing the prerogative, when we refused to join his administration in 1844; but, fortunately, the power of life and death was not in his hands. His advisers could stab our characters in a speech or a despatch, and this was all they could do. But who doubts, had they had the power, that we should have been burnt as witches or hanged as traitors? Now this privilege of hanging and burning is no longer possessed by British Sovereigns, or Lords Protectors, or Governors, or ministers. It has passed away before the advancing light of civilization, and the empire is all the better governed without it. And I contend that the right to stab character, to prefer accusations, to deal in innuendoes, for difference of opinion on public measures and questions of policy (involving no crime requiring a legal accusation and a judicial decision), being part of the same barbarous and "infamous system," ought to pass away with it. I contend that such a right has never been asserted or exercised by any Sovereign or minister whose act is worth a rush as a precedent, for the last two centuries. I contend that Lord Falkland may send his Attorney-General down into any of Her Majesty's courts to prosecute the colonist most eminent for rank and talent, if he has violated the laws; but that he has no right to send that officer or any other down

to Parliament with defamatory charges, insinuations and innuendoes, aimed at the meanest Nova Scotian who happens to differ with him in politics or oppose his administration. This opinion I shall maintain till my dying day. You and your children after you, my friends, will maintain it, and think a few hours well spent by a public man, in engrafting the sentiment, with a rough hand it may be, into the future practice of our administrations.

This claim to make the Sovereign's written communications with her people the channel for defamation might be sustained, perhaps, if the monarch in her own person, standing on the throne, could arraign or injure a subject before either House of Parliament. Charles the First tried this, and in the end, though I never heard that he was horsewhipped, he lost his head. No doubt Charles thought, on the day he went down to the House of Commons and accused Hollis, Hazelrig, Pym, Hampden and Stroud, that he had the right to do this; and no doubt when Lord Falkland charged Uniacke, McNab and myself under his own hand, with high crimes and misdemeanours, in 1844, and when he more than insinuated, in a communication to the House the other day, that the Speaker and his brother were agents and associates of reckless speculators or swindlers, he thought he was doing right. The justice of the proceeding and the state necessity were as apparent in the one case as in the other. There might be some excuse for Charles, two hundred years ago; but surely Lord Falkland ought, by this time, to have learned that, as the Sovereign has no right to go down in person to prefer accusations and give point to slanders, neither has her representative the right to make the communications which pass between the three branches of the Legislature the vehicle by which the malignant passions of our common nature may seek a base but privileged gratification. Charles, but a few days after he "borrowed the Speaker's chair," saw his error and acknowledged his fault, and the Commons impeached his Attorney-General. We have to deal with a ruler who never repents and a Parliament who only impeach those who will not see in Crown officers, if not "all the talents," all the constitution and the law. We must therefore, by our own firmness and discretion, my friends, obviate the necessity for repentance or impeachment.

In the olden time, when the Sovereign, or the minister in the Sovereign's name, preferred personal accusations or wounded the honour of the subject, the person of the monarch was never safe, or "the divinity which should hedge a king" respected. Rebellions were rife in every reign; the Sovereign was bearded, seized, imprisoned, slain, whenever or wherever he happened to be overpowered by those whom the unbridled passions of his minions or favourites had provoked. I hold that the Sovereign and the Sovereign's representative should have no personal enemies. Under the "infamous" system I have described, the monarch was never without them; and we have had reason to fear, from Lord Falkland's experience since 1844, that it is not worth while to revive it in Nova Scotia.

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If I were a member of the House of Commons, and this system were attempted to be revived, I should rise in my place and denounce it as "infamous," and safely prophesy that the experience of all history justified the fear that, if persisted in, some British Sovereign would have to encounter indignity at the hands of some British subject.

Being a member of our Assembly and seeing the system in full operation for two years, I protested against it on Friday last and warned the administration to set a better example, lest the penalty which the Sovereign would pay at home might fall upon some of her representatives in a less deadly but more eccentric mode of retribution. This protest, accompanied by this prophecy, shut you out of the lobby for a day, and added a resolution to the series which the existing majority have passed against your old friend. But it will put an end to the system, and leave henceforth the Queen's representative protected by the effulgence which is ever sufficient, except when its "beams" are unwisely "concentrated" for the purposes of "royal indignation."

The folly of the system pursued in Nova Scotia since 1841 may be illustrated by a few examples, from the recent modes of administration recognized as dignified, and conservative of the rights of the people and of the prerogatives of the Crown of England. Lord John Russell retired from the Queen's Cabinet in 1841, as Uniacke, McNab and I did from Lord Falkland's in 1843. He went immediately into opposition; but the Queen never branded his Lordship in official communications to Parliament; never accused him of menacing the prerogative, or boasted in *The Gazette* that she had "resisted his pretensions." Lord John Russell then was the personal friend and loyal subject of his Sovereign, all the time he was opposing her Government. The time arrives when his services are required; and when the Queen's messenger finds him reading a novel to his wife in Edinburgh, he has no personal injuries to resent, no royal indignation to fear.

But on repairing to Windsor, he cannot form an administration to suit him and declines to take office under his rival. But does the Queen open the Parliament with a miserable denunciation of his loyalty, and follow it up by a defamatory publication in *The Gazette*? No; such conduct would be "infamous," and I may add, however much in vogue two centuries ago, it is obsolete.

Take another example. The Queen wrote a note to Lord John Russell, but she did not, while inviting him to her Cabinet, declare that Lord Palmerston should never enter it. If she had done so, the note conveying a stigma on the Foreign Secretary would never have been published.

Take a third. Suppose the Queen, having formed an administration from one party in Parliament, was opposed by another. Would she send down, signed by her own hand, *ex parte* statements of negotiations conducted by her ministers, aimed at the public character, the private honour or the allegiance of the gentlemen leading the Opposition? No. The statesman who would bring down such a document would be met by an indignant explosion from both sides of the House.

Take a fourth. Suppose the Speaker of the House of Commons to have opposed the Government in his public capacity and have accepted in his professional character the solicitorship for a railway company. Would his Sovereign seek to punish him for political opposition, by lending her name to personal slander? Would the minister have brought down the Sovereign's criticism upon the scheme, to create the impression that the whole was a bubble and the Speaker a rascal? I think not; and having the most sovereign contempt for all such artifices, at once derogatory to the dignity of the Crown and the security of the subject, when this climax to the "infamous" system, which we have endured since 1844, came upon us on Friday last, I boldly protested against it, and warned the administration that if persisted in, colonists might by-and-by take the law into their own hands.

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By a party vote of twenty-nine to twenty the House have condemned me for vindicating the common rights of Englishmen and speaking the truth. I do not complain of this. They thought they were doing a service to the state, as the judges in England thought when they condemned Hampden to pay ship money. But the money was not legally due; and the record, like a scar on a brave man's face, while it shows how the man was assailed, proves how undeserved peril was honourably encountered.

In 1646 one More declared in the House of Commons that "they were born free and must continue free, if the king would keep his kingdom." A majority sent him to the Tower, but the bold declaration embalms the man's memory to this day, while the obsequious zealots who imprisoned him are cared for as little as zealots of another description are, who used to burn people in Smithfield for conscientious declarations of the truth that was in them.

It would be indelicate and unparliamentary to refer to anything that passed within the House while the doors were closed. But you will perceive by the following references that the standing rules of our House and of the House of Commons must have been violated, or no serious notice would have been taken of my protest:

Hatsell says: "By the ancient rule of the House, words spoken by any member, which gave offence, were to be taken notice of and censured in the same day in which they were spoken." Our resolution was passed the day after. Again he says: "This was the ancient rule; but of late years the practice and rule has been, that, if any other person speaks between, or any other matter intervenes (Mr. Young and the Attorney-General spoke between, and the adjournment and reading of the journals intervened) before notice is taken of the words which give offence, the words are not to be written down or the party censured." The illustration he gives is curious, taken in connection with the case we are discussing. "This was observed in the instance of John Howe, Esq., who in a debate (in the year 1694), reflecting with great bitterness on the then administration of affairs, with some personal imputations on the King himself, said '*Egone qui Tarquinium Regem non tulerim, Sicinium feram,*' and then moved that the House might go into a committee to consider of the state of

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the nation. He was succeeded by a member who spoke two or three sentences on the subject of the motion and then sat down. After which Mr. Charles Montague (afterwards Lord Halifax) took notice of Mr. Howe's words, which, he said, carried a reflection of the highest nature and desired that Mr. Howe might explain himself. Upon which Sir Christopher Musgrove stood up to order and said that for the security of every gentleman who speaks and to prevent mistakes which must happen if words were not immediately taken notice of, it was the constant rule and order of the House, that when any member had spoken between, no words which had passed before could be taken notice of so as to be written down in order to a censure ; and in this the House acquiesced and Mr. Montague did not insist upon his motion." The Parliamentary law of 1694, and which is strictly adhered to at home to this day, was, you will perceive, violated in my case.

In Todd's Practice of Parliament, published in 1840, we find it recorded, that, "Wherever the cause of complaint is words spoken by a member of either House, reflecting upon the other House or any of its members, it appears from the several instances to be extremely difficult to obtain redress, not only from the difficulty of ascertaining the exact expressions and the meaning which it is intended they shall convey, but because it is the practice of the House of Commons that, if exception be not taken against the expressions at the time, they cannot afterwards be called in question even by the House itself."

You will perceive then, my friends, that a vicious system of administration has been attempted to be bolstered up by flagrant violations of the standing rules of the House of Commons, upon which those of our Provincial Parliament are modelled. The rules adopted by our Assembly in 1837 are decisive, and could not be changed without the consent of two-thirds of the members.

"But," I think I hear some one say, "after all, friend Howe, was not the supposititious case which you anticipated might occur somewhat quaint and eccentric and startling?" It was, because I wanted to startle, to rouse, to flash the light of truth over every hideous feature of the system. The fire-bell startles at night ; but if it rings not the town may be burned ; and wise men seldom vote him an incendiary who pulls the rope, and who could not give the alarm and avert the calamity, unless he made a noise. The prophet's style was quaint and picturesque, when he compared the great king to a sheep-stealer ; but the object was not to insult the king, it was to make him think, to rouse him ; to let him see by the light of a poetic fancy the gulf to which he was descending, that he might thereafter love mercy, walk humbly, and, controlling his passions, keep untarnished the lustre of the crown. David let other men's wives alone after that flight of Nathan's imagination ; and I will venture to say that whenever, hereafter, our rulers desire to grille a political opponent in an official despatch, they will recall my homely picture and borrow wisdom from the past.—I have the honour to be, gentlemen, yours truly,

JOSEPH HOWE.

It is impossible to read this letter without appreciating the dexterity and courage with which, at this period, Mr. Howe faced a hostile majority, for the establishment of principles which no man now, in any of the Provinces, pretends to question.

The impression made by the despatch on the Speaker's own mind may be gathered from the opening passage of a letter which he addressed on March 9th to the freeholders of Inverness :

It would be difficult to express the indignation this despatch excited in my bosom, when it was first read,—a feeling which was participated in by my political opponents as well as friends ; for I am satisfied that, with the exception of a very few of the extreme supporters of the Government, the impression in the Assembly is common to all parties, that this mode of assault on public men, by or through a Lieutenant-Governor, while it is new in colonial history, is unfair and oppressive to the subject, and places the Queen's representative in a position alike unconstitutional and dangerous.

Besides the above letter to his constituents, Mr. Howe found it necessary, in self-defence, to address two letters to Lord Falkland in the course of this spring. They are characteristic of the man and of the period, and are now given entire :

I

MY LORD,—An officer of your Government, with your Lordship's sanction and approval—an officer appointed by your Lordship, and rewarded for his services by large emoluments, commenced slandering me about two years ago and has continued the practice ever since. The paper published by this person is the recognized organ of your Government ; the place he holds, an honest man was driven from, that you might provide wages for the venal instrument you desired to employ. Against every public, and almost every private individual, that your Lordship is known to hate, has the weapon of this bravo been turned. I found it glancing off my ribs but a very few days after I sat at your Lordship's board, beneath your own roof, secure in the belief that the honourable relations of the past, no less than the courteous usages of the mother country, protected me from assassination. I was mistaken ; and, more in sorrow than in anger, cautioned your Lordship to conduct your administration with more dignity and prudence ; not sully your noble name with dirty work or dirty instruments. With a prophetic eye the consequences of your policy were foreseen and with a prophet's plainness and sincerity they were foretold. The warning was unheeded, and your Lordship took, in good earnest, to sowing wind, and you have been reaping the whirlwind ever since. The last storm just faintly dying away has purified the atmosphere a great deal, though intended by those who "sowed the wind" to destroy and not to invigorate. At some

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personal hazard, perhaps, it became my duty to teach your Lordship a useful lesson ; it will be long remembered. The one I am about to give you now will not be readily forgotten. Your paid servant, the organ of your Government, applied to me a few days ago the epithet of "place-hunting mendicant" ; and I am about to show you, my Lord, now that the folly of libelling gentlemen in official despatches has been sufficiently illustrated, the danger of keeping a person in pay to apply such epithets as these to men of spirit and integrity, your Lordship's equals at least in disinterestedness and contempt for place and lucre.

Though holding you responsible for the acts of your officer, the blows of your assassin, a few humorous jests, intended to caution and restrain rather than to wound, have hitherto been regarded as sufficient retaliation. They were like the bladder-flappers we read of in "Gulliver," used to rouse the attention of great men without hitting them too hard. While I have jested, your Lordship has struck out in real earnest ; while I have fluttered the bladder, you have turned upon your poor remembrancer with a stick. Now, my Lord, though I have smiled good-humouredly for two years at all this, and could smile at it still, it appears to me that, if your Lordship's political education be finished before you leave us, our fellow-colonists somewhere else may enjoy the benefit. You are said to be on the wing : take another lesson before you go, a lesson in which there lieth much wisdom and common sense, if gravely pondered and rightly applied.

I am "a place-hunting mendicant," am I, my Lord ? So says the person who bears your commission, receives your wages, speaks your sentiments. If this were true, it strikes me that that arrow should not have come from your quiver. But am I a place-hunter ? I have been eighteen years a public man, and never asked a place. I held one under your Government for a short period, and gave it up when it could no longer be held with honour. But I gave your Lordship two of the best years of my life without place or emolument, and served my Sovereign for nothing from 1840 to 1842, you receiving £7000 for your services during the same time. If I am then a place-hunter, who held one but sixteen months in eighteen years, who received that one without asking, and yielded it up without regret—what are you, my Lord ? You have held places for many years ; how won I know not ; but the public services by which they were obtained are yet to be recorded. As respects Nova Scotia, before whose people these epithets have been applied to me, let me say that you have held office here for six years at a cost to my countrymen of some £20,000, to whose treasury you never contributed ; while I who have been paying taxes among them all my life have held place but a few months and received about a thirtieth part of that sum. Yet your minion reproaches me with place-hunting, forgetting another curious contrast, that I retired with my party, while you held on when yours threw up the reins and changed your policy that you might hold your "place." Pray instruct your minion to think before he writes. If you are to pay the penalty of his indiscretion, let him be more choice of epithets.

But I am a "mendicant," if not a place-hunter. I assume, from various similar attacks, that the foundation of this charge arises from the voluntary determination of my friends to defeat the machinations of my enemies; from the acceptance on my part, of a gift, neither craved nor desired, but pressed upon me by a body of public-spirited men as a reward for past services, which they chose to appreciate, and without touching or impairing my independence for the future. Such gifts have been very common within the empire, and have usually been construed to confer honour on both parties. What Shakespeare says of mercy may be said of voluntary rewards conferred by a grateful people upon those who by honourable service have won their confidence and affection: they are "twice blessed." Nelson received presents from foreign powers and from half the great cities he defended; yet Nelson was no "mendicant." I saw the tables of Apsley House groaning beneath the presents conferred upon the Great Duke, by all classes and orders and ranks of men, yet Wellington was no "mendicant." Grattan received £50,000 from his country; yet is there a Falkland of your whole line, my Lord, that can be placed beside him at this moment in that best of all Pantheons, the manly British heart? Abbotsford was secured to the family of Scott by subscriptions extending over the world. The widow and children of Burns have been provided for by the admirers of the father's and the husband's genius. But a narrow-minded sceptic—an unbeliever in all the generous emotions which sweeten life and lead to high achievement—would imagine that the recipients in these cases were "mendicants."

But, to leave those elevated names and examples and come down to what more nearly concerns us, let me show you now that if my services were insignificant, performed in the lowly vale of Provincial life, it will not be very easy for any Governor to crush those by whom such services may be performed.

When your Lordship came to this country, I had been living, some twelve years, in comfort and independence, by my own industry, never seeking "place" from the Government or aught but the rewards of honest labour from the people. I fear that during that time our Sovereign and the people of England had a harder bargain in your Lordship. You came to Nova Scotia, however, and required my aid. I gave it to you without any mercenary motive; withdrawing at first partially and at last entirely from my private affairs. All this was known to my friends at the time and felt to be inevitable. The subsequent intrigues by which it was sought to involve me in Mr. Nugent's ruin, that I might have no resource but office, were too clumsy and transparent to escape general observation. My friends saw, meditated upon and understood the whole game; and when, having perhaps doubted and wavered a little as to the result (an old friend being sorely beset), they saw him leap over the pitfalls dug all around him and stand erect on firm ground, facing the enemy with manly independence, it was very natural that, weighing the perils and temptations and chances, they should be anxious upon two

points; first, to make up, in some degree, losses which a public man had incurred; and secondly, by their generous sympathy exhibited in a practical form, to show to the rising youth of a country where wealth does not greatly abound that the confidence of the people could rescue their defenders from all dependence upon Government.

These things were uppermost in the hearts of the Liberals of Halifax about the close of 1843. Yes, my Lord, the men who are daily called a rabble, a mob, and rebels, were revolving these things in their heads about the time you were hiring a mean creature to abuse them. The things were honourable in themselves, I take it; perhaps as much so as anything which ever got into or came out of the head of any Falkland that I ever heard or read of.

Great Lords, long descended from far-off Smithfield bruisers, might have learned lessons from these men at this exciting time. I declare to you that I turned from the low ambition, the sordid spirit, the paltry intrigue, the open treachery, playing for months around solemn aristocratic mediocrities,—to contemplate, with pride in “my order” and hope for my country, the delicacy of sentiment, the manly self-devotion and generous thoughtfulness of these men. If you were a “mendicant,” my Lord, the Queen-Dowager could not contribute to your necessities with more royal munificence than they showed to me,—humble, steadfast, unpretending people though they are. “Go into no more Councils; take no more offices; waste the flower of your life for no more Governors, friend Howe. Serve your country as you have served her. A sum equal to the salary you have thrown up shall be paid to you by the people of Nova Scotia, and we will collect and secure it.” This offer was again and again pressed upon me, by earnest-minded men accustomed to keep their words, and some of whom, my Lord, could purchase your whole estate. Had I accepted this offer, I should not have been a mendicant any more than Chatham was, when he accepted an annuity from the Duchess of Marlborough. The Liberals of Halifax, like the Duke of Newcastle, had a right “to do what they liked with their own”; and there would have been less dishonour in my taking a salary from my political friends than in your holding “place” under your political enemies. Now, my Lord, had such an offer as this been made to you or to any Falkland of the line for the last century, by the citizens of London or of Bristol, would it have been refused? Would it have been dealt with in a more rational or less grasping spirit than by me? You shall judge. A permanent allowance was declined, or any gift which should hamper my freedom of action for the future. But, to show my sense of their kindness; to prove to them that there was no pride at the bottom of the business on my part; to show to those who might perhaps tread my path, in future, that the unpurchasable faith and open purses of the people could sustain colonists against injustice and oppression,—I consented to accept a sum, not nearly so large as I had lost while attending to your Lordship’s business instead of my own, and less than some friends of yours have received for doing almost

nothing, year by year, out of the resources of this people, as far back as my memory extends.

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Such is the transaction, my Lord, honourable to both parties, which, in his stupid ignorance and for the gratification of your Lordship's atrabilious emotions, your paid official servant has misrepresented day by day. It is one in which my family and I take much pride. We would rather eat bread at the hands of our friends, in honest heartiness and mutual sympathy, than at the hands of our enemies and the enemies of our country, purchased by mean compliance and treachery to the land we love. But, my Lord, though the generous thoughtfulness of these men will never be forgotten, though the reality of their friendship has been tested, and the extent of their resources is well known, I have been accustomed to earn my bread since I was a child and am teaching my children to do the same. And, my Lord, it strikes me that if you were stripped of what you never earned, we should still have bread, with some to spare to the mendicants over the way.

But, my Lord, suppose that we were differently situated and had acted differently. Suppose that, either from our follies or misfortunes, we were living on the sympathies of the benevolent; what right has the proudest Falkland of you all to apply to the humblest Nova Scotian, so situated, a derisive epithet? A "mendicant" is a "beggar"; is he not, my Lord? The terms, I believe, are synonymous. Your humble remembrancer must again step in with the bladder-flapper and awake you to the folly of hiring a creature to apply to Nova Scotians such terms as these. While *The Morning Post* supplies light literature for Government House, in Brunswick Street we study the history of our country. On the Journals of the House of Commons, under date of February 16, 1693, we find it thus written:

"The House, according to the order of the day, proceeded to take into consideration the information given, upon oath, by the Lord Falkland to the commissioners for stating the public accounts; and also the account of the pensions, salaries, and sum of money, paid or payable to members of Parliament out of the public revenue or otherwise; and the accounts of what moneys have been issued or paid for secret service, and to members of Parliament, presented to the House by the said commissioners. And the examination of Mr. Francis Rainsford; and also the information given, upon oath, by the Lord Viscount Falkland before the said commissioners, formerly presented to the House from the said commissioners, were read.

"And the Lord Falkland was heard in his place, and then withdrew. And a motion being made, and the question being put, 'that the Lord Falkland, being a member of this House, by *begging* and receiving two thousand pounds from His Majesty, contrary to the ordinary method of issuing and bestowing the King's money, is guilty of a high misdemeanour and breach of trust,' the House divided. The yeas were 143; nays 126. Tellers for the yeas, Mr. Harley, Sir Rowland Gwin. Tellers for the nays, Sir Robert Rich, Mr. Biddulph.

"*Resolved*, That the Lord Falkland be committed to the Tower during

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the pleasure of this House, and that the Speaker do issue his warrant accordingly."

Here, my Lord, is a noble "beggar," a "mendicant Falkland"! He ought to teach the family modesty and common sense for a century to come. And, bear in mind that he was sent to the Tower by a larger majority than your Lordship has yet been able to get to vote for the absurd resolutions you have from time to time aimed at me. I may be told that it is unfair to revive this little trait of family history. So it would be, my Lord, but for two reasons—first, because all the good "done in the flesh" of the Falklands is thrown in our faces, whenever we hint at an imperfection in the "tenth transmitter"; and secondly, because there lies upon the table of the Assembly at this moment some rather curious evidence that certain propensities run in the blood, and that "mendicant" Governors are sometimes sent to colonies, where they help themselves, in violation of law and "contrary to the ordinary method of issuing and bestowing the King's money."

To that evidence I may deem it my duty, before your Lordship quits our shores, to direct your attention, in return for some favours showered upon me "by authority." In the meanwhile, having finished the "lesson for the day," I beg to assure your Lordship of my distinguished consideration.

JOSEPH HOWE.

March 16, 1846.

II

MY LORD,—On returning to town on Monday evening I found that your official printer had attributed to me the authorship of an anonymous letter that I had never seen and made it the foundation of a grave charge of treason. This small matter I must settle with your Lordship; for though the fire burnt the cat, when my chestnuts are meddled with I shall lay the lash over the monkey. Let me deal with the letter first and with the charge afterwards.

The letter of a "Pioneer" was sent to *The Chronicle* office by a very respectable man, of a high Conservative family, but whose interests have been injuriously affected by the constant fluctuations in the commercial policy of England. He wrote as he felt, I presume, and is responsible for his own opinions. If necessary he will avow them openly; at all events, he will do me the justice to acknowledge that his letter never came to the office till I was in the country; that I never saw it till after my return, and that the inferences of your scribe are as unfounded as they are malicious. The internal evidence, in the letter itself, was sufficient to prove that I was not its author. Your Lordship knows, your scribe knows, all the world knows, that I am a Free Trader. Ten years ago I denounced the Corn Laws, and have steadily advocated, both as an editor and a legislator, the abolition of every restriction, British or colonial, by which human industry is hampered and the great family of mankind is broken into mutually oppressive and perpetually hostile factions. I could not have written the letter of "Pioneer" unless I was so stupidly incon-

sistent as to denounce what I had prayed for, and to mourn over the success of principles of political economy that I had steadily and openly approved. I was a Free Trader when Sir Robert Peel advocated monopoly ; I was writing against the Corn Laws when you were an idle ensign in the army. Whatever you may do, my Lord, I am very apt to adhere to opinions deliberately formed : and one of them is that a Governor who keeps a reckless creature in pay to defame those whom he happens to hate, will be very apt to create more disaffection than he subdues. In this case, as in most others in which your instrument has been employed, your Lordship perceives how easy it is to dash his superstructure of falsehood about his ears.

The charge of disaffection and disloyalty I disdain to answer. Your Lordship cannot make me a rebel. I know how to distinguish between authority and the abuse of it ; between arbitrary principles of colonial government and a bad Governor. Whatever the Falklands may have done for the permanency of British dominion on this continent, the Howes have done their share. One of them fell in the woods of Ticonderoga, fighting against the French ; another led up the British grenadiers on the slopes of Bunker Hill ; a third rests in the churchyard beneath your eye, who abandoned the country of his birth that he might maintain his allegiance to his Sovereign ; and there is another, my Lord, whose indomitable good humour and steady nerves the highest amount of Executive folly and provocation cannot overcome ; who knows the difference between curbing the insolence of the beadle and setting fire to the parish ; between a corrupt judge and the majesty of the laws ; between the Sovereign who should be revered and the Viceroy who may be despised.

Whenever the "British yoke" becomes burthensome to North America it will be broken like a pack-thread, and I would be one of the first to break it ; but I am not one of those who believe that relieving the people of England of their burdens is an injury to the colonists ; that these Provinces are to be preserved by protective duties ; by taxes on the food which the starving millions in the mother country consume. The new commercial policy I heartily approve ; but if I did not, I certainly should not see, in a blunder in economy and finance, the seeds of a political revolution. No, my Lord, if I am ever driven to discuss the question of separation from England—which God forbid—it will neither be done in a corner nor under an anonymous signature ; nor upon a question of reducing taxes upon bread and timber. It will be when I am convinced that the British Constitution will not flourish upon this continent ; that responsible government, as I understand it, has been formally and gravely denied. That day, I believe, to be very distant. The British Constitution, I still hope, will flourish in North America. And, notwithstanding your Lordship's efforts to embroil us all, I have an abiding confidence in the corrective which the new system supplies to the disorders produced by your folly. Your Lordship, I fear, while wandering in the south of France, will have the exquisite mortification of beholding Nova Scotia a peaceful Province, and Joseph Howe a loyal man.

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On one point your scribe has been correctly informed. I am about "to retire from the metropolis, and turn up the soil of Musquodoboit." With this number my connection with the press ceases for the present; but be comforted, I shall not be so far away but that we can "take sweet counsel" together. I shall be a peaceful agriculturist, no doubt; but, hark ye, my Lord, in order that we may be good friends you had better keep your pigs out of my garden and not attempt to plant tares among my wheat.

JOSEPH HOWE.

April 9, 1846.

Mr. S. G. W. Archibald, the Master of the Rolls, died in January. On the 4th of April Mr. Alexander Stewart was appointed Master of the Rolls, and Mr. L. M. Wilkins accepted the vacant seat in the Cabinet. But Lord Falkland's troubled reign was drawing to a close. In May it was currently reported that his stay would be short. No levee was held on the Queen's birthday. On the 1st of August he left the Province, and his services were transferred to Bombay. His successor, Sir John Harvey, appeared on the 11th, and his presence, without exactly overcoming the political horizon "like a summer cloud," diffused a general feeling of serenity and confidence in the community.

In the course of the autumn an offer of a coalition was made to the Opposition, which was to have included Mr. Howe; but it came too late. The Liberals were too confident of the ground they had won to be tempted by those who now had only hollow friendship and a frail tenure of power to offer. Anticipating the results of the elections, come when they might, they were determined to bide their time. Mr. Howe made a tour to the eastward before the winter came, being complimented with public dinners at Guysborough on October 1st, and a few days later at Antigonish and Merigomish, and addressing to the yeomanry at these and other places spirit-stirring arguments upon the state of public affairs.

Lord Elgin was about this time gazetted as Governor-General of Canada.

In October of this year Mr. Howe addressed two letters to Lord John Russell, which were published first in pamphlet form and afterwards reprinted in the leading newspapers of British America. They were universally read at the time, and we think that they will be read now with even greater interest, for every day's experience proves the sagacity and shrewdness with which the true sources of weakness in this great empire were indicated, and the genial spirit of patriotic boldness with which simple remedies were sought to be applied. The letters are as follows:

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MY LORD,—During the summer of 1839, I did myself the honour to address to your Lordship four letters on the subject of colonial government. Your Lordship, with the love of rational liberty which characterizes your family but with the caution of a prudent statesman, was at that time dealing with the questions raised by Lord Durham's report and seemed embarrassed by doubts and apprehensions, which it was the design of that brochure to remove. I have not the vanity to suppose that the pamphlet is remembered or that a copy of it is still in your possession; but I have the satisfaction to reflect that, slowly permeating through the mass of British and colonial society and tested, with more or less of sincerity, by governors and legislators ever since, the main principles it advocated have, by their own intrinsic value, forced their way, until millions of British subjects regard them as indispensable guarantees for the peace¹ and development of their resources and the integrity of the empire.

Deeply engrossed, during the last seven years, with a series of commercial and political questions in which the people of the United Kingdom felt a lively interest, your Lordship has had but little leisure to devote to a minute inspection of the progress which the colonists were making in the science of self-government. Called again, by the command of your Sovereign and the confidence of Parliament, to the administration of public affairs, it now becomes indispensable to the satisfactory discharge of your high duties, that you should study with a thoughtful accuracy of investigation the steps by which these noble possessions of the Crown have advanced in the march of improvement; and that you should inquire whether there may not be means, but partially developed or wholly unapplied, by which all fears of separation between Great Britain and her North American Provinces may be for ever set at rest. Canning boasted that, by recognizing the independence of South America, he had called a new world into existence: may it be your Lordship's boast, that by admitting the just claims, developing the resources, and anticipating the natural and honourable aspirations of North Americans, you have woven links of love between them and their mother country and indefinitely postponed all desire for independence.

This elevated species of ambition the people of British America ascribe to your Lordship. The part you took in Lord Durham's mission—the support you gave to Lord Sydenham—the despatches—which, however variously interpreted, were truly described by him¹ who declared that they conferred “a new and improved constitution on these colonies,”—furnish abundant proofs that in colonial, as in all other reforms, your mind has advanced in the right direction. That you have had doubts and apprehensions and difficulties to contend with has not impaired our confidence; that these have been overcome, your recent declaration of the policy your Government intends to pursue is decisive and gratifying evidence.

¹ Sir John Harvey.

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Reposing in a quiet nook of my own country, after seven toilsome years spent in giving practical proofs to its people of the value of the principles advocated in 1839, I read that declaration ; and, while the tears glistened in my eyes, I felt that, however refreshing the seclusion, this was not the moment to leave a Government honestly disposed, and thus publicly pledged to work out their plans, without the encouragement that sympathy and the lights which colonial experience on this side the water could supply. I mused upon the boundless field of labour your Lordship was about to enter ; the herculean tasks which lay everywhere around you ; the onerous cares which, as First Minister of the Crown, you were called upon to assume, and I felt that a man so placed was not only entitled to hear the kindly "God speed" of the colonist, but to have the benefit of every ray of light that might guide him on his way.

When legislating for the mother country, your Lordship has the aid of representatives and colleagues from every portion of the three kingdoms. No English interest can be overlooked, because every section of the country can hold constant communication with the Cabinet, through parliamentary or other agents. Scotchmen convey to the Councils of their Sovereign and infuse into the discussions of the Legislature, the facts, impressions, and even prejudices, without a knowledge of which there can be no successful statesmanship ; and even Ireland, unequal and unjust as her portion of parliamentary and executive influence is, has yet a share. Her voice, even when disregarded, is still heard ; one hundred and five members enforce her opinions in Parliament ; able pens discuss questions which concern her in every part of the kingdom ; and her national associations and the ceaseless activity of her selected leaders, make her voice authoritative, if not potential, in each crisis of affairs.

To deal wisely with countries so situated, though often perplexing, is not impracticable : there is a fulness of information, an ever swelling or receding stream of public sentiment and an abundance of fellow-labourers, to enable a prudent statesman to correct his reckoning and steer his course. To the mariner within soundings, the headlands are a guide and the lead conveys every moment its assurance or its warning ; but the seaman who embarks on an ocean voyage excites our fears by the comparative paucity of his resources not less than by the perils of his way.

The statesman who undertakes to govern distant countries and particularly such Provinces as those of North America, at the present time, assumes a task of still greater difficulty and hazard. Grant him all the aids which he could desire ; and those who are tender of his reputation or interested in his experiment may well tremble for his success, if they do not anticipate his blunders. Look around, my Lord, and see how few aids you have ; ask yourself how you would govern Scotland without one Scotchman in Parliament, in the Cabinet, or in the Home Department, to aid you ; yet North America is to be governed, with a territory twenty times as extensive, and a population nearly as large, and not one North American near you to lend his assistance. There is one at least, my Lord, at a distance—who, grateful for past services done to his

country—regardless of the barriers which the publication of his opinions may again impose in the humble walks of Provincial ambition,—would gladly supply, to some extent, a deficiency which any man, called to the task your Lordship has assumed, must almost instantly feel. To attempt this appears to me a duty which I cannot, as an admirer of your Lordship and a believer in your sincerity, put aside. Even the leisure, vowed to my family after many toilsome years devoted to the public affairs of Nova Scotia, appears a criminal indulgence; when, by a little exertion, the position, requirements, and just demands of these noble Provinces may be simply explained, and the way cleared for your Lordship to deepen the verdure of the colonial laurels you have already won. If your Lordship and the men who now surround you cannot lay the foundations of British power on this continent on an indestructible basis, then I fear I shall not live to see the work complete; and if not perfected before the swelling surges of republicanism make breaches here and breaches there, the waste of material and the hazard of inundation will be in exact proportion to the delay. Borrowing wisdom from the modern history of Ireland, what is to be done for North America should be done promptly, generously, in a spirit not of a grudging stepmother giving a gratuity, but of brethren sharing an inheritance.

Your Lordship possesses, I believe, the disposition and the power to deal with our difficulties and to fulfil our hopes. Like the poor blind man on the Derbyshire hills, I may know the shortest tracks, for my feet are familiar with every stone; but your Lordship must prove the value of local knowledge by the tests of higher science and the advantage of a commanding position, and will be entitled, when the Queen's highway is completed, to all the merit of the work.

Let me endeavour, as briefly as I can, to group for your Lordship's information the results of our colonial experience since I last addressed you. For many years previous to that period, permanently placed executive officers— independent of the Legislatures and invariably sustained, whether right or wrong, by the British Government—ruled these Provinces for their own advantage, irrespective of the interests or the confidence of the people. Those men had rarely the magnanimity boldly to assume the unpopularity of their own acts or policy. By artful correspondence they generally contrived to extract from the Colonial Office a sanction of all they did or desired to do, and never failed to assure those who complained that they were constrained by imperial authority and acting under instructions. The colonists were thus habitually trained to regard the mother country, if not as an enemy, at least as an eccentric, exacting, and injudicious friend. The Colonial Office was clothed with a character not easy to describe; it was Pandora's box, with hope only for cravens and sycophants at the bottom; it was a manufactory into which grievances went by the quire and injuries came out by the bale; it was the lion's mouth, where enemies might deposit accusations, and into which honest men looked with awe. I freely admit that it did not always deserve

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this character ; that much sterling integrity, patient investigation and high honour, often presided at the Colonial Office ; and that, even under the worst administrations, there was a more sincere desire to benefit the colonies among the leading minds of the department than the colonists were taught to believe. But it was almost impossible, under the old system, that the Colonial Office could achieve any higher reputation. The eyes of Argus could not have glanced over the remote regions it was called on to inspect ; the hands of Briareus would have wearied with the multifarious labours it was expected to perform. The most promising and laborious public men in the Colonial Office sank in a year or two to one common level of unpopularity. A more accomplished scholar, a more accessible, amiable and ordinarily industrious nobleman than Lord Glenelg, never held the seals. His published despatches display vigour and clearness of design, goodness of heart and habitual suavity of temper ; with an enlarged liberality of sentiment, humanity and good taste, that do him infinite honour in his modest retirement, as they did in his official capacity. Yet Lord Glenelg, enveloped in the countless webs which the old system wove around him, was driven into a sort of incomprehensible disgrace. No man gave the old system a fairer trial ; no man less deserved the fate to which it almost inevitably consigned its victims.

Your Lordship escaped by cutting the gordian knots which no living genius could unwind. By adopting promptly the leading principles of Lord Durham's report, you opened a vista through the surrounding darkness ; by throwing back upon the colonists the rubbish and the responsibilities which were accumulating in the department, you secured freedom of respiration and room to move, and excited to activity a body of public-spirited men, in all the colonies, who were rejoiced to find themselves trusted and were eager to be employed. Now mark the change. In the seven years previous to 1839, the journals of every North American colony presented their annual Bill of Indictment against the governments, in the form of addresses to the Crown ; and although, from motives of policy, the imperial authorities were not always directly charged with the grievances enumerated, yet sometimes they were openly implicated and boldly menaced ; and those who mingled freely in colonial society, frequently felt that if the phraseology of those documents was courteously guarded, more was often meant than met the ear. During the last seven years, no such addresses have, to my knowledge, emanated from the colonial Assemblies, for the simplest of all reasons ; grievances have been removed, by the circumambient pressure of responsibility upon the executive heads of departments and officers of Government : or where it was inconvenient to remove them, the storms occasioned by their continuance have burst over the heads of those whose folly or cupidity evoked them, their far-off murmurs only being heard amidst the unwonted tranquillity of Downing Street.

Within the seven years previous to 1839, the Colonial Office was besieged by delegations. Upper and Lower Canada, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, all sent delegates ; some once, some

twice or thrice, with portfolios full of papers. These missions were rendered indispensable by the obstructions interposed to the transmission of correct intelligence and the mystification in which the whole subject of colonial government had become involved, by the operation of an absurd and impracticable system. Fancy Lord Normanby sitting in grave deliberation, while four gentlemen argued before him the important imperial questions, of how much salary a Nova Scotian judge should have and who should sit in our Executive Council. These questions your Lordship wisely transferred to the colonial legislature. Simple resolutions now settle the most of them; the Governors, if they can combine the support of a parliamentary majority, appoint whom they please; and the judges, after the calm deliberation of a committee of supply, get just as much money as the country they serve is willing or able to grant. No delegations have gone to Downing Street since 1839. Your Lordship wisely changed the battle-grounds and our leading men have had enough to do at home.

In the seven years previous to 1839, there were two insurrections costing four millions sterling. From the moment that the leader of Lord Sydenham's government boldly avowed in his place in the Assembly the responsibility which he and his colleagues owed to the Legislature, down to the present time, you might (but for questions of foreign policy) have defended North America with a sergeant's guard.

These have been the grateful fruits of what we used to call responsible government—of that “new and improved constitution,” shadowed forth in your Lordship's despatches and practically developed and illustrated by the energy, sagacity and patriotism of the colonists; until what was theory in 1839 has grown into a system of easy application to all conceivable cases, securing internal tranquillity and relieving every colonial minister who is wise enough to refrain from injudicious interference of a vast amount of labour. I do not mean to say, my Lord, that every question of salary, of maladministration, of grievance, in every colony, is at an end; that there are not party conflicts and personal rivalries still ruffling the surface of society; that a Governor who does not comprehend the new system, or a secretary who will interrupt its natural operations, may not still give trouble and provoke much angry discussion. But what I mean to assert is this, that “the new constitution” has worked wonders; and that though I accepted and have resigned office since 1839; though I have shared the highest honours to be won under it and breasted the fiercest persecution to be endured, I still believe it possesses within itself a remedial power for most colonial evils; and that as the colonies would have been lost but for its introduction, to work securely for the future, with provident forecast and unity of design, your Lordship must build on the foundations already laid.

Some are of opinion, that self-government should be secured to these Provinces by Act of Parliament; but there is no necessity for this. You have no Act of Parliament to define the duty of the Sovereign when ministers are in a minority; we want none to enable us to suggest to a Governor when his

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advisers have lost the confidence of our colonial Assemblies.¹ But what we do want, my Lord, is a rigid enforcement of British practice, by the imperial authorities, on every Governor; the intelligence and public spirit of the people will supply the rest. Leave the representatives of Her Majesty free to select their advisers from any of the parties which exist in the countries they govern; but let it be understood that they must hold the balance even; that they must not become partisans themselves; and that then, when from incapacity, personal quarrel or want of tact, they are unable to fill up the chief offices, secure the supplies, and conduct the Government with efficiency by the aid of a good working majority, their removal will be the inevitable result. Not their removal only. Your Lordship will, I hope, pardon me, if at some hazard of giving offence, I venture to discuss a point of great delicacy, and suggest that at least an unsuccessful and incapable Governor should incur the penalty of failure and incapacity in all other branches of the public service.

Let me not be misunderstood. In discussing broad questions which involve national interests, the happiness of great countries, the peace and security of an empire, I cannot descend to aim a personal allusion, or to illustrate even by unanswerable evidence, drawn from a single province, an argument, however sound. I speak of future Governors, as a class of public servants, and I seek to examine the rules and the policy by which they should be controlled, in language chastened by the exalted presence in which I speak, and the magnitude of the interests committed to their care. Loss of office and emolument, stoppage of promotion, are the penalties which British colonists are to pay under the new system for misdirection of the Sovereign's representative; for want of talents, discretion and success. We are content to serve our country on these terms; and even if some gross delusion, some unprincipled combination, or shift of public opinion, unjustly bears us down, we shrink not from hazards, which your Lordship, acting in a wider field, is content to share. Many a good knight, whose foundered horse, frail lance, or untempered blade, sent him discomfited from the arena, felt the severity while he bowed to the majesty of those laws by which alone martial prowess could be sustained; but how many good knights would there have been, had the Sovereign bestowed the laurel without discrimination; had the coward and the valiant, the graceful and the awkward, the courteous and the rude, the successful and the unsuccessful been alike rewarded? What interest would the spectators have taken in contests where the highest qualities and evidences of manhood brought no distinction, and the want of them no disgrace?

¹ It is sometimes said, the mother country has its great charter, its Bill of Rights, and why should we not have a charter, or some such written guarantee for our liberties. Those who reason thus forget that these great securities of Britons are ours also; that we have besides, the whole body of parliamentary precedents accumulated by the practice of the Imperial Legislature. We have more; we have our colonial precedents since 1840; the resolutions recorded on the journals of Canada and Nova Scotia, and other authoritative declarations, made with the sanction of the Imperial Government, and which cannot be withdrawn.

Why should a different rule be applied to colonial Governors? When we read of the impunity which Roman proconsuls purchased in the capital for maladministration in the Provinces, we cease to wonder at the disorders they provoked; or that the local humours, suffered without attention to irritate the extremities, by a geometric scale of retribution, in which the velocity of the approach was regulated by the square of the iniquity, paralyzed and corrupted the heart. The ingenuous youth of England, who pore over the classics at Eton and at Oxford, should be taught to feel that the errors which ruined Rome, Great Britain has determined to avoid; that the point upon which she is peculiarly sensitive, jealous and slow to forgive is the misgovernment of one of her Provinces, however feeble or remote. The very opposite belief is fostered by the facts which our colonial experience has accumulated. Many Governors have ruled these North American Provinces since the revolutionary war, and the aggregate of their virtues and capacities, the result of their labours, was vividly described in Lord Durham's report. Some able and excellent men we certainly have had; but not a few, who were strangely deficient in those qualities which command respect, communicate energy, and secure the affections of a free people. There have been gradations of merit as of rank; but from the individuals who had scarcely genius sufficient to write a simple despatch, to the foremost file of able and enterprising statesmen, one common destiny has awaited them all—impunity, patronage, promotion. With the exception of Sir George Prevost (a most amiable man, but one who in exciting times committed some military mistakes), not one was ever censured or disgraced. Further promotion may have been declined by some, from increasing years and infirmities; or may have been denied to others who wanted a patron; but I cannot discover that the grossest incapacity, the most palpable blunders, or the execration and ridicule of a whole misgoverned Province, ever ensured Executive censure at home or presented a barrier to further promotion. The evils and the injuries which flowed from such a system North America has endured; but in her name, my Lord, I think I may be pardoned for desiring that it shall have an end. You try, by court martial, the officer who runs his ship upon a rock. Byng was shot for a deficiency of courage or of conduct; and a gallant regiment but recently trembled for its well-earned honours, because it was supposed to have wavered for an instant on the field of carnage. Surely, my Lord, it is not too much to ask for some such security against misgovernment—for jealous watchfulness and patient investigation where there have been violations of principle or deviations from constitutional usage; and if with tenderness for human frailty, we seek no higher punishment, at least there should be a bar to further promotion. A few examples would produce a salutary effect; create a higher standard of enterprise and ability, and infuse among our transatlantic population universal confidence in their imperial rulers.

The mode of administration which I have ever advocated and for the introduction of which your Lordship's despatches of 1839 paved the way, exempts colonial Governors from all responsibility to those they rule. English-

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men hold that the Queen can do no wrong, but enforce upon Her Majesty's advisers rigid accountability. Adopting the constitutional fiction, we are contented to admit that those who represent the Sovereign here, can do no wrong in our eyes, so long as our right is admitted to call to account, for every Executive act, those who sit in Council with them and preside over the chief departments. The practice is convenient, and, on both sides of the water, fraught with many advantages. There is a slight distinction, however, which should ever be borne in mind. At home there is the *ultima ratio* of a revolution, which, though rarely resorted to, subjects the Crown to heavy responsibility, the constitutional maxim to the contrary notwithstanding. The Sovereign is responsible to the whole body of the nation; and the surest safeguard of existing institutions, under a bad monarch, is to be found in the historical examples which prove how this accountability may be enforced. Our *ultima ratio*, it is clear, lies not in an appeal to arms, but to the Government at home. It should be the care, then, of the imperial authorities, to make every colonial Governor feel that his responsibility to his Sovereign is a reality and not a fiction. "I can devolve my responsibility on no man"—"my duty to my Sovereign compels," and such like phrases, which Governors often repeat with a flippancy that raises an incredulous smile on the face of a colonist, would then be words of fearful import and deep significance, pronounced with grave deliberation, and conveying an assurance of good faith upon which North Americans would securely rely.

Under any system, but particularly under the new, the most difficult and delicate task which devolves upon the Colonial Minister is the selection of Governors. Assuming the absence of nepotism or of any unworthy motive, the wide range of employments, the varied accomplishments and talents included in the military, naval and civil services of the empire would seem to ensure us against danger and disappointment in the choice of our rulers. But yet, we have often been disappointed, and the bungling and perils of the past should make us careful for the future. The Cabinet called to select a Governor for a North American Province, under existing circumstances, should never forget that there are twenty millions of Anglo-Saxons electing their own Governors across the border, and they should endeavour to prevent the contrasts not unfrequently drawn. They should invariably act upon the policy that, to repress the tendency to follow a practice incompatible with monarchical institutions, nothing should be left for the colonists to desire.

But it may be said, in Britain we provide Sovereigns by hereditary succession, and yet we are well governed because our constitutional practice divests them of political influence. This is a popular fallacy, which stands "not proven" by all the historical evidence that our annals supply. Grant that no Sovereign can withstand the pressure of public opinion, when the people are organized and executive influence in Parliament is controlled by the stern mandate of the nation; yet how few such epochs are there even in the

longest reign? Grant that a good measure cannot be refused to clamouring millions, represented by a great party in the State; yet how often have measures been delayed and parties broken and scattered to the winds, by the personal influence of the Sovereign? This personal influence pervades the Court, is felt in Parliament, in the diplomatic intrigues of foreign countries, in the elevation or discouragement of rival statesmen; it is ever active and all-pervading, often when the nation is indifferent or asleep. The theory of our constitution yields this personal influence to the Sovereign, and assumes that it will be wisely exercised. The theory of our colonial constitutions invests every representative of majesty with high personal influence; and that it should be exercised with great probity and discretion, your Lordship will at once perceive. Your security against abuse lies in the hereditary transmission of high qualities; we have no security but the honour and the discernment of the Imperial Cabinet. This single point, the selection of a Governor, is perhaps the only one that much concerns us, upon which we can exercise no influence. We must confide altogether in the judgment and good faith of our brethren at home. If they send us a tyrant or a fool, we may control or instruct him; but the process involves a monstrous waste of time and engenders feelings which, like fire-damp in mines, are insidiously injurious, even when they do not explode. As a general rule, be assured, my Lord, that every bad Governor sent to a Province makes a certain number of republicans; that every good one reflects his Sovereign's image far down into the colonial heart. These "golden links" between Great Britain and her North American Provinces must be alloyed by no base metal; the best material, tried by the severest process of refinement, should be selected that they may be worn as ornaments and not regarded as chains.

I am aware that the selection of Governors for North America, at the present time, is no easy task, because men of a different order of mind and with a higher style of training than pass muster in other portions of the empire, are required by the exigencies of this continent. To understand this, my Lord, let us take a Governor of Massachusetts, and inquire by what steps he has risen to the elevation he enjoys, and by what process his mind has been ripened for the fitting discharge of his high functions. Born within the State, he is essentially a citizen, bound to her by filial and patriotic feelings. His early studies, not less than the active pursuits of manhood, make him familiar with her people and their diversified interests. The struggles by which he ascends, through the hustings to the House of Representatives and thence to the Senate, presiding, it may be, at times, over one branch or the other, give him a training and experience eminently calculated to prepare him for the gubernatorial chair. To provide for the British colonies Governors to work our monarchical system as these men work theirs is "a consummation devoutly to be wished." Yet they must be had; we cannot afford to repeat the blunders of the past; and we cannot harmoniously develop and apply the vital principle of responsibility without them.

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At a first glance, it would seem a simple matter to draw from the widely-extended range and diversified intellectual resources of the empire the persons we want; yet there are difficulties that meet us on every field of selection. Men are trained for the army, the navy and for the diplomatic service of the state; but we have no normal schools for the education of colonial Governors. The consequence is that two or three Provinces are often mismanaged before the neophyte has learned to govern well, if indeed he ever learns. This is not to be wondered at, when we regard the mixed character of the society into which, at a few weeks' notice, he is often thrown, and the complicated duties that, without any previous training, he is required to discharge. On one point, there is rarely much to apprehend: British Governors, with a few exceptions, are gentlemen; in ease and dignity of manner, sprightly conversation, and general acquaintance with foreign countries, they contrast favourably with those who preside over some of the neighbouring states. But in solid information, knowledge of general principles, familiar acquaintance with British and Provincial history and sympathy with the people they are called to rule, they are often very inferior. One radical defect in their education frequently requires years of experience to overcome. A commander in the navy or a general of division has been accustomed to see masses of men moved by the boatswain's whistle or the sound of the bugle. He has been taught to expect from all beneath him the most prompt and servile obedience, which again he is prepared to pay to his superiors. Transferred to East Indian provinces or Crown colonies, where there are no legislatures, no responsibility, no organized and ever active public opinion, where a semi-barbarous population have been oppressed by a despotism less enlightened and humane,—these officers often make excellent Governors and infuse into the ignorant and unenterprising masses a respect for their characters and ready obedience to their discipline. But, transferred to North America, where English, Irish, and Scotchmen and their descendants form the entire population of a province; where every principle of the common law is fearlessly propounded from the bench; where every limitation of the prerogative is asserted by the Legislature; where a press, free to the verge of licentiousness, embodies and influences public opinion; where men of equal ability meet them at every turn; while the least informed peasant in the fields is conscious of his British origin and of the rights with which it invests him,—transferred to such a scene, the old sailors or soldiers often lose their self-possession. The bugle is sounded or the whistle blown, but nobody moves or moves in the right direction. The "one-man power" is not acknowledged, but the power of the people is asserted with an admirable composure that only John Bull himself could equal. Now, in all this, my Lord, there is nothing that an intelligent colonist, or an Englishman familiar with North America, would not expect to find and be prepared to deal with on the instant. He would at once treat the population as your Lordship treats the people of England, with deference and respect, neither chafing at their British manifestations of

personal spirit and independence, nor at their rigid adherence to constitutional principles. He would guard the prerogatives of the Crown with simple dignity and make the Queen's name a tower of strength by never taking it in vain. He would act with or by any party prepared with a good measure, or enjoying the confidence of the people, without railing at party, which, in every British community enjoying representative institutions, must exist. He would choose men of ability to fill the Executive departments and be never so happy as when their conduct evinced the wisdom of the selection. He would never yield to petty jealousy of his own advisers, if they happened to be men of higher attainments and sounder judgment than himself; but would bear in mind the reflected merit, implied in the defence of Queen Elizabeth—that when wise men govern a country, the Sovereign by whom they are selected and retained cannot be a fool. He would have no friends, in the unconstitutional sense, which implies backstair influence and intrigue, but at the same time would have no enemies; being prepared to bow any set of men out of his cabinet who had lost the confidence of the people, or to admit any other set into it by whom that excellent certificate of character was produced.

If then Governors are to be selected from the united services, it is evident that mere soldiers or sailors are not to be preferred. I do not say that men should be rejected because they have fought for their country: the highest qualities of the warrior and the statesman have often been combined. But, if we are to have rulers snatched from the tented field or the quarter-deck, they should be men to whom the British Constitution does not appear a prurient excrescence, defacing the articles of war; men of enlarged minds, accustomed to affairs; studious of the history of their country and possessing great command of temper.

The diplomatic service is often presented as a good school. It has its advantages, but there are some drawbacks. The diplomatist, who goes into a distant country, often regards himself and is regarded as the secret foe of the state to which he is accredited, from the moment he passes its barriers. His latent hostility, his vigilant espionage, his corruption and intrigue, are veiled under a courtliness of manner, an air of frankness, and a strict observance of all the forms of official etiquette. All who approach him are suspected; and the tools he employs are feared while they are doing mischief—despised when it is done. Transfer such a man to a North American colony and he may “forget his cunning”; he may remember that he is dealing with British subjects—administering a constitutional system, as a Governor—not acting as a spy; he may bestow confidence and win it; but he is just as likely to have finished his term of office before he unlearns the vices of his old profession, as he is to enter at once upon a successful career, in virtue of the *diablerie* to which he has been trained. If diplomatists are to come then to the colonies, let them if possible be those who have served in free countries—who are familiar with the spirit and the modes of conducting business in popular

assemblies. If they have sat in either House of Parliament, so much the better; but let them be men observant of its forms, imbued with its spirit, tolerant even of its eccentricities, and prepared to work out, on a smaller scale, the practical advantages which these, in the main, secure.

The Peerage and the House of Commons, could we draw upon the best materials which are found in those great schools of political instruction, would leave us nothing to desire. Could we always be secure of a Durham or a Sydenham, we should have nothing to fear for the prosperous development of our resources or the permanence of British dominion. But the prizes of imperial public life are so splendid, the noble emulation of these great arenas is so engrossing, that the finer spirits, surrounded by party obligations or fired with elevated ambition, can seldom be induced to accept, but at some peculiar crisis or for a special object, the most distinguished North American position. The smaller colonies can rarely hope for any but selections from that larger class, which, for obvious reasons, can be better spared. Men of sound sense, active business habits, cultivated taste and gentlemanly manners, may ever be found in this grade; and if they have studied the peculiarities of transatlantic society and politics, may make good colonial Governors. But they must come out prepared to find at the colonial hustings the "fierce democracy" they left at home; in the colonial courts advocates as fearless as in Westminster Hall; a press as free as that of England; and a numerous class of public men who will, within the forms and safeguards of the constitution, work with and for them; but who would not, for the smile of any Governor, sacrifice the confidence or betray the interests of the country of their birth and in which it is their highest ambition to leave an honest fame.

Your Lordship will perceive that I lay great stress upon the selection of Governors. The importance of this I could illustrate by examples; but, looking to a hopeful future, I desire to explain my views without any but the most delicate references to the past. A Governor once appointed, his "instructions" are of some importance; these should—except in extraordinary cases, where some special difficulty has arisen, for which the ordinary forms of the constitution provide no remedy—be as few, as simple and as concise as possible. There is an old code which was, and I presume is yet, sent to the colonial Governors, whole passages of which I fear are obsolete and inapplicable to the present condition of affairs. This book ought to be revised, and if a copy of it were submitted to the criticism of some of the leading minds of North America, they might furnish valuable suggestions to the Colonial Secretary and aid in making it much more perfect. For my own part, I would no more trammel a governor than I would a general or an admiral, with many instructions. Having selected the right kind of man, I should be strongly inclined to condense the whole into a few lines:

Enforce, within your government, the imperial statutes.

Maintain the prerogatives of the Crown.

Respect the laws and the rights of the subject.

Secure, by strict observance of British practice, a working majority in the Legislature.

Remember that the Queen's representative is the fountain of honour, of justice and of mercy: he must offer no insult and should have no enemies.

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With these brief instructions I would leave a colonial Governor a large discretion, give him a fair support, but remind him of the tenure by which his office was held—"If you succeed you shall be rewarded; promotion stops if you fail."

To enable your Lordship to fulfil the pledge made in the speech referred to in the opening, there is little else required than what I have included in this letter. Leave us free to work representative institutions after the British mode. Select your Governors with care; give them concise and definite instructions; and hold the scales of honour and dishonour before them with an unwavering hand: then will the work commenced in 1840 be completed in 1846; then will British Americans enjoy self-government without danger to their allegiance, and have only themselves to blame if they are not as prosperous as they are free.

In my next I shall invite your Lordship's attention to some points which touch less our internal government than our external relations to the rest of the empire; and, in the meantime, trusting that you will ascribe the liberty I have taken to the right motive, I have the honour to remain, &c.

II

MY LORD,—The system of internal self-government, to the consolidation of which your Lordship's attention was invited in a former letter, is essential to the preservation and peaceful improvement of these colonies. It must be left to its operation. Frankly yielded, with the consent of all parties at home, it has been embraced by all parties in North America; and will be maintained with consistency and worked with prudence, worthy of the descendants of those who secured similar privileges by the Revolution of 1688. My firm belief is that successive generations of loyal British subjects, respecting the paramount control of the imperial authorities, but firmly resisting unnecessary and vexatious interference, will continue to expand and apply the principles developed within the last seven years, until the "girdled trees," described by Lord Durham, have become sturdy British oaks, fast rooted in the generous soil of the constitution and flourishing beside their venerable parent stem.

To give full effect to this system, it will be perceived that the true policy of British statesmen, except on the single point of the selection of Governors, is to be rather passive than active—to maintain a "masterly inactivity"; to do for us what the French merchant desired of the French king,—to "let us alone"; to discourage complaints and references to the Colonial Office, and to throw the responsibility on the Executive advisers of the Queen's represen-

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tatives, who must combine and carry with them working majorities in the Provincial Legislatures. The prerogatives of the Crown, the authority of Parliament, the surveillance of the Colonial Secretary will still exist; and be all the more respected, that they rarely disturb internal administration or attempt to control the free current of public opinion. Every officer, from the highest to the lowest, will still be the Queen's officer, bearing Her Majesty's commission and holding it during pleasure. Every imperial statute will be enforced in the colonial courts; every road will be the Queen's highway; every militiaman the Queen's soldier; every despatch from the Colonial Office will be received with the deference and respect to which it is entitled. All that is essential to the dignity of the Crown and the unity of the empire will be retained by the mother country; all that is indispensable to a wise internal administration will be freely conceded; and mutual confidence and mutual prosperity be the natural results.

Having disposed of this branch of the subject, let me now invite your Lordship to a field of labour that British statesmen may legitimately occupy, one worthy of your talents and of the elevated reputation for decision and enterprise which you enjoy. I have long entertained some views that I cannot but flatter myself will have weight with the present Cabinet, and which appear deserving of mature consideration by all who not only desire to see these colonies flourish under free institutions but indissolubly incorporated as integral portions of the glorious British Empire.

Apart from questions of internal administration, upon which I conceive that enough has been already said, there is another aspect in which our North American Provinces should be viewed—their external relations to the parent country and to the empire at large. Regarded in this aspect, there is much that may be done for them; much that a wise statesman would not consider unworthy of some reflection and of active interference in their behalf. Passing over for the present some questions of internal improvement and others of political organization, in which the interference of the mother country would materially strengthen and elevate the whole group, let me ask your Lordship to consider whether, in all that relates to the general concerns of the empire, a wiser use may not be made of the intellectual and physical resources of this continent, and whether a wider field may not be opened for the emulation and honourable aspirations of its public men.

To understand the importance of the subject as it has again and again presented itself to my mind, it will be necessary for your Lordship to fancy yourself a colonist, looking abroad, on the one side, at the fields of ambition and influence presented by the empire of which he is a member, and on the other, at the position achieved by the most humble citizens of the neighbouring United States. The saddening reflection with which he withdraws his eye, to contemplate the narrow range of Provincial ambition; the lowly walks in which he is condemned to tread; the limited circle of influence beyond which he can never hope to rise, would be felt in its full force by your Lordship,

if you were a British American, even though your popular qualities were questionable and the strength of your wing untried.

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Let me illustrate the subject by a few simple contrasts. An Anglo-Saxon youth born in Massachusetts may rise through every grade of office till he is Governor of his native state. A youth born in Nova Scotia may do the same, with the single exception of the highest position—that of Governor; but if he is denied this distinction, he may, *de facto*, govern his country, as leader of her Councils, if he possess the foremost mind of the Provincial administration. So far, there is an equality of condition, which leaves to a colonist little to envy or to desire; but, the highest point once reached, he must check his flight and smother his ambition; while the young republican may continue to soar, with prospects expanding as he ascends; until, long after his contemporary across the border, weary of the dull round of Provincial public life, has ceased to hope or to improve, in the full vigour of manhood and with a rich maturity of intellect, he reaches that elevated station to which he has been wafted by the suffrages of twenty millions of freemen.

The Boston boy may become President of the United States; the young native of Halifax or Quebec can never be anything but a member of an Executive Council, with some paltry office, paid by a moderate salary. The contrast is very striking and well deserves the grave consideration of those who may not regard it as too high a price to pay for the unwavering attachment of British America, that its youth should be admitted to some participation in the higher employments and distinctions of the empire. I have known men, who as Loyalists left the old colonies and died in the Provinces, undistinguished and unknown beyond their borders; while their contemporaries, scarcely their superiors in intellect, or more successful up to the points where the conflict of principle compelled them to diverge, occupied the foremost rank in the republic. There are men now in North America, who, if these Provinces were States of the Union, would be generals, senators, governors, secretaries of state, or foreign ambassadors. I have seen and heard those who figure in the State Legislatures and in Congress; and with a few exceptions (formed by the inspiring conflicts and great questions of a vast country) I could have picked their equals from among Her Majesty's subjects on this continent, at any time within the last ten or fifteen years.

The old Loyalists died contented, and their descendants in these Provinces are loyal and contented still; but, my Lord, should not a wise statesman anticipate the time when these contrasts will sink deep into the Provincial mind; when successive groups of eminent and able men will have lived and drooped and died, hopeless, aimless and undistinguished beyond the narrow confines of a single province; when genius, with its plumage fluttering against the wires, feeling itself "cabinéd, cribbéd, confinéd," may raise a note of thrilling discontent or maddening ambition, to be caught up and re-echoed by a race to whom remonstrance and concession may come too late?

For obvious reasons, my Lord, I do not dwell on this topic. A dull man

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would not understand me ; but there is that within your Lordship's own bosom which can tell you, in a throb, what we feel and what we want. A few simple touches are all that are required, or I am mistaken, to deeply interest you ; and, when once your generous nature and acute understanding are excited to activity, the paths of honourable emulation will be open and all ground of complaint removed. I do not disguise from your Lordship that there are difficulties surrounding this subject ; it is my purpose to discuss them fairly ; because upon the colonists should rest, in such a case as this, not only the burden of complaint that a grievance exists, but the task of explaining how it may be removed.

The population of British North America cannot be far short of two millions. With a boundless extent of territory to occupy and an abundance of food, our people will increase, by the close of the present century, even if no general plan of emigration be superinduced on our present system, to twelve millions. To incorporate these twelve millions with the empire, to make them think and feel as Englishmen, it is clear that all the employments of the empire must be open to them and the highest privileges of British subjects conferred. If this cannot be done, a separate national existence or an incorporation with the United States, are dangers to be gravely apprehended. Surely, then, it is a point of policy well worthy to be revolved by British statesmen, how these North Americans can be so deeply interested in the honour and unity of the empire, as to preserve them "in the bonds of peace" and make them attached and loyal subjects of the Crown. By conferring upon them the advantages of self-government and control over their own internal affairs, a most important advance has been made towards the achievement of this happy consummation. And now is the time, before there is any widespread discontent or clamorous demand, to anticipate and provide for a state of feeling which must inevitably arise out of the practical exclusion of the population from the official employments and higher honours of the empire.

But it may be asked—are they so excluded ? Seats in Parliament, the army, the navy, the diplomatic and civil services of the state, are open to all ; there is no legal barrier ; no rule of exclusion. In theory this is true ; in practice it is an utter fallacy. Look around, my Lord, upon those departments ; and while hundreds and thousands of English, Irish and Scotchmen throng them all, not twenty North Americans can be found. There are more Englishmen in the post office and customs departments of a single province, than there are colonists in the whole wide range of imperial employment. Why is this ? It cannot be that our young men are deficient in courage, enterprise or ambition ; it cannot be that the prizes to be won here are more brilliant and attractive. There must be a reason for it ; and the reason lies on the surface. Our youth have no patrons, no parliamentary or family or official interest or influence, to push them forward in the race, or to render competition equal. They are not on the spot to seek for commissions that are bestowed for the asking ; and they cannot hope to succeed, where other recommendations besides

ability and good conduct are required. The result is that the two millions of North Americans are practically excluded, as the twelve millions will be by-and-by, if no provision be made for their peculiar position and claims.

Suppose a young North American to enter the army with an Englishman of the same age. In nine cases out of ten, by the possession of more ample means, the latter would rise by purchase over the head of the former, merit being equal. But, if the Englishman were the son of a peer or of a member of Parliament; if his family had interest at the Horse Guards or in a county or borough which sustained the administration, the young colonist, if he did not fall in some well-fought field (as most of my countrymen have done who have tried the experiment), would be distanced in the race and retire in old age on a subaltern's or captain's half-pay, while his more favoured competitor became a general of brigade. This, my Lord, whatever may be said of it, is practical exclusion from the army. In a few solitary instances, higher positions may have been won, but they are exceptions which prove the rule.

In the navy, merit has perhaps a fairer chance, as promotion is not purchased; but still interest and influence are there all-powerful, and a young colonist, on the deck of a British frigate, does not feel that it is a fair stage where there is no favour. I grant that, in either service, some gallant exploit, some exhibition of rare personal valour or conduct, would attract notice and confer distinction. But the opportunities do not occur every day; and when they do and when they are seized, I doubt if the exploits of the young colonist, friendless and alone in the world, will figure as largely in the official despatch, as they would if his uncle were a Lord of the Admiralty or his father member for Bristol.

But, it may be said, the colonist without fortune or interest stands upon an equality with the Englishman who is no better off. This may be true, but yet does not improve our position or weaken the argument; it reduces us to a level with the lowest class of Britons, but does not raise us to an equality with the better classes or with the New Englanders over the border. The time is fast approaching, or I am much mistaken, when Englishmen will consider it as disgraceful to sell a commission in the army, as they would to sell a seat upon the bench; when merit and not interest will be the rule in both services; and when, having ceased to eat dear bread for the benefit of a few, they will not vote heavy army and navy estimates without the great body of the people being freely admitted to an equal participation in the patronage and promotion maintained by their expenditure. When that day arrives, and it may be nearer than we think, the colonists will have nothing to complain of; until it comes, some steps should be taken to remove all ground of complaint and to associate North Americans with the habitual defence of the British flag. I must confess that I feel a degree of diffidence in offering suggestions on a point which, for its full elucidation, would require some professional information and experience; but there is one passage in British history that may furnish something like a precedent.

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When the Highland regiments were raised, the districts whence they were drawn were generally disaffected. The embers left, when two unsuccessful rebellions had been trodden out, were still smouldering and ready to be enkindled; Jacobite songs were the prevailing literature of the glens; and broadswords were bequeathed from father to son, with the dying injunction, that they were only to be used in defence of "the king over the water." Chatham saw that to incorporate the Scottish Highlands with the rest of the empire, to make their hardy mountaineers loyal British subjects, it was only necessary to give them something to do and something to be proud of, to direct their chivalrous valour upon a foreign foe, to let them win laurels and fortune under the House of Brunswick. The experiment was regarded as hazardous at the time, but how nobly the results confirmed the sagacity of the great statesman. On almost every battle-field for the last century, the prowess of these Scottish regiments has shown conspicuous. The tales, told on their return, by maimed but honoured veterans, of the Heights of Abraham, of Egypt, Toulouse, Vittoria, and Waterloo have superseded the exploits of Charles and Bonnie Dundee. The regiments in which their fathers and brothers had served were readily recruited from the ardent youth born among the heather. Glencoe and Culloden were forgotten; a new spirit pervaded the Highlands; and even to the extremity of the "black north," the fusion of the Scottish race with "the southron" is acknowledged on all hands to be complete.

Now, my Lord, try some such experiment in North America. Raise two or three regiments; train colonists to command them; let it be understood that, in those corps, merit only leads to promotion; and give them in name or dress or banner, something to mark the Province whence they come. Try a frigate or two on the same principle; call one of them *The Nova Scotia*; man her with the hardy fishermen who line our sea-coast, and hoist the Mayflower beneath the Union Jack when she goes into action. Those regiments may flinch in the hour of trial, but no man who reads this letter, from Fundy to Michigan, will believe it; that ship may sink, but there is not a Nova Scotian who would not rather go down in her, than have her flag disgraced. From the heads of those regiments and the quarter-decks of those ships, the fiery spirits of North America would pass, if they were worthy, into the higher grades of both services; they would be to us what the Academy of West Point is to the youth of republican America, schools of instruction and discipline; and then we should be prepared, not to envy our neighbours, but to meet them on the frontier or on the coast, when the meteor flag of England was unfurled.

Turning to the civil service of the state, we find the colonists practically excluded. Some of them hold subordinate places in the imperial departments whose branches extend into the Provinces in which they reside; but the higher positions, even in these, are generally engrossed by natives of the mother country, who have had the good fortune to enjoy parliamentary or family influence. Of this we should not complain, if we had the same

means of pushing our fortunes at home or in other portions of the empire. There is one department, to employment in which we fancy we have a peculiar claim—the Colonial Office. Your Lordship may be startled; and others who have never given the subject a thought may be disposed to sneer. But there have been, occasionally, within my political remembrance, worse clerks and under-secretaries than North America could have supplied. From the bench, the bar, the Legislatures, abundance of material could be selected, to give to that department a character for efficiency which it has rarely enjoyed, and to draw around it a degree of confidence, that it can hardly hope to attain while the leading minds produced by the great countries committed to its care are practically excluded from its deliberations. I could quote twenty cases, in which one North American by the Colonial Secretary's side would have prevented much mischief; scores of exciting and protracted controversies, that might have been closed by a single despatch; and I have listened to and read speeches in Parliament, which the merest political tyro in the Provinces would be ashamed to deliver. I feel, my Lord, that this is bold speaking and delicate ground; but I shall be much mistaken in your Lordship's noble nature and in the improved organization of the Colonial Office under Earl Grey, if offence is given.

Before touching upon the means by which this very essential department may be recruited from the colonies, let me direct attention to the grounds of my belief that a very important preliminary step should first be taken.

The concessions made to these Provinces provide only for their internal administration. All their external relations—with each other, with the mother country, and with the empire at large—still remain to be dealt with by the Imperial Parliament; and the question naturally arises, whether the time has not arrived when they are fairly entitled to some representation in the national councils? Your Lordship may be surprised at the suggestion; but weigh this matter calmly. North America is nearly as much interested in every question of commercial regulation, of foreign policy, of emigration, religious equality, peace and war, as are the inhabitants of the British Isles. If she were an independent nation, besides controlling her internal government, she would protect her own interests in the arrangement of them all. Did the Provinces form States of the American Union, they would have their representation in Congress, and would influence, to the extent of their quota, whatever it was, the national policy. Now, my Lord, is it too much to ask of those who desire to avert any such change of position that analogous privileges, suited to our circumstances and claims, should be conferred? Is it not better that the mother country should magnanimously take the initiative in this matter before clamour and discontent prevail; before factious spirits seize upon a theme admirably adapted for popular declamation? My object, my Lord, is not to sound a keynote of unnecessary alarm but to anticipate the dissonance that may possibly arise. I wish to put an end, at once and for ever, to the fears of the timid within our own borders and to the hopes of

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adversaries beyond them. I desire to come promptly to a state of things which all parties may acknowledge as mutually satisfactory and recognize as permanent. I am weary of hearing English politicians speculating on the probabilities of separation; of seeing American sympathy excited by the vain hope of colonial disaffection. I would that foreigners should see and feel that British Americans have nothing to complain of and nothing to desire; that they have attained a position, by peaceful loyalty and moral suasion, which their neighbours only won by a disruption of old ties and by the painful sacrifices of a bloody revolution.

But, it may be said, if you desire representation in the Imperial Parliament, you must be prepared to part with your local Legislatures and to submit to equality of taxation. Nothing would be fairer, if equality of representation was the thing sought; but this, for obvious reasons, would be an impolitic demand; and any scheme to carry it out would be found, on due reflection, to be impracticable. To place in the House of Commons representatives from all the colonies, in proportion to their population, territory and varied interests, would be to swell the numbers to a mob; to throw upon that body all the business now despatched by the colonial Assemblies, would clog the wheels of legislation; even though Parliament sat throughout the year. Representation in this sense and to this extent then, is not what I desire; but a moderate degree of moral and intellectual communication between North America and the Imperial Parliament; which, while it left all our existing machinery in full operation, would render that machinery more perfect; and, without investing us with any share of political influence that could by possibility excite jealousy at home, would yet secure to us, at least, the means of explanation, remonstrance and discussion. Suppose that the five North American colonies were permitted to elect, in the following proportions, either through the Legislatures or by the body of the constituency, men of talent, enjoying public confidence:

Canada	3
Prince Edward Island	1
Nova Scotia	2
New Brunswick	2
Newfoundland	2

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and that the members so elected were permitted to sit and vote in the House of Commons; a number so small would neither be inconvenient, nor apt to excite jealousy; and yet, they would give to North America a voice in the national councils; an influence proportioned to the ability, information and powers of debate she furnished. It would give her more; it would give her a noble field for the display of her cultivated intellects, and open for the choicest of her sons a path to the higher distinctions and honours of the empire. It would give to her less brilliant but enterprising youth, seeking their fortunes

in the military, naval and civil services of the state, not patrons—for the influence of these representatives would be trifling—but earnest and judicious friends, on the spot where their claims were to be stated and their interests advanced.

Now, my Lord, would not such a concession as this, gracefully bestowed, almost before it was asked for, strengthen the empire? Would it not put republicans and sympathisers *hors de combat* without a bayonet or a barrel of powder? It would be worth half-a-dozen citadels; and, on the day that those ten members took their seats in the House of Commons, you might withdraw thousands of men, who are kept here at an enormous expense to defend a country, the population of which, too happy for discontent, would guard with spirit the privileges thus peacefully secured.

But, my Lord, I do not put this moderate demand on the footing of a favour; to my mind, it bears the semblance of simple justice. In every session of Parliament, measures are discussed in which the colonists are deeply concerned. Many times, within the last twenty years, the colonial trade has been deranged, colonial interests sacrificed, and our views have been strangely misinterpreted and misunderstood. If the general welfare were promoted, our sectional interests, of course, should not have stood in the way; but, even in those cases where you are right and we are wrong, we would yet have the security of consultation, discussion, remonstrance. We would say, with becoming fortitude, "Strike, but hear us."

Take the recent case of the repeal of the Corn Laws. Of that measure I highly approve. As a youth, just entering into public life, I denounced the Corn Laws; and when they were doomed, I smiled at the fears expressed in Canada and elsewhere, and rejoiced with all my heart. But, my Lord, even a good measure hardly reconciles us to the fact that the commercial relations and settled business of two millions of people should be dealt with, even in a wise and philosophic spirit, without their exercising upon the discussion or the result the slightest influence. Take another case. The North American Provinces might have been plunged into a war, arising out of the annexation of Texas or the settlement of the Oregon question; without, perhaps, having the slightest interest or desire to participate in either quarrel. Happily, such calamities were averted by the dignified firmness and moderation of the imperial authorities; but similar controversies with foreign powers are continually arising and may not always be so satisfactorily adjusted. The colonial Legislatures do not pretend to meddle with any of these disputes. But is it reasonable to ask millions of Britons to take up arms, to suspend their commerce, to beat their ploughshares into swords, in a quarrel, upon the growth and deadly termination of which they have never been consulted; and which they have had no power to influence or avert? The presence of such a body of men as I propose, in Parliament, would remove this ground of complaint; if they were outvoted, we should at least have the satisfaction to reflect that they had been heard. In some cases, their reasoning would pro-

bably prevail, to the modification of a bad measure or the improvement of a good one; in others, they would be convinced and would take pains to satisfy their constituents of the wisdom and sound policy of the course pursued. They would perform the double duty of mingling colonial sentiment and opinion with the current of debate and of reconciling the colonists to the decisions of Parliament. This they would do, if only permitted to speak and vote upon colonial or rather on imperial questions; but if allowed a larger latitude, even in the discussion of purely British topics, they might at times exercise a salutary and temperate influence. If men of sound judgment, conciliatory manners and cultivated taste, they would—from the very fact of isolation and impotence as a party; from their being strangers from a far country, with no interest in the matter; trained in a different school, and accustomed to examine similar questions with other lights and from different points of view—sometimes be heard amidst the din of party conflict. They might, when the storm was highest, pour oil upon the troubled waters, and win respect for their intentions when they failed to convince by their eloquence.

If these men, fairly tried on the great arena, were found to possess talents for debate, ready pens and habits of business, where could better material be sought to recruit and strengthen the Colonial Office? Their local information and knowledge of detail could not well be surpassed; their sympathy with the population of the countries to be dealt with would not be suspected; and the double responsibility felt, to Parliament on the one side and on the other to the people among whom they would probably return to pass the evening of their days, would ensure the most vigilant and enlightened discharge of their public duties. And, my Lord, would it be nothing to have these men returning, every few years, from such scenes and employments, to mingle with and give a tone to the society of North America? How invaluable would be their experience, how enlarged their views, how familiar their acquaintance with the rules of Parliament and the usages of the constitution; but, above all, how sound their faith in the magnanimity and honourable intentions of our brethren across the sea. These veterans would become guides to the Provincial Legislatures when questions of difficulty arose, and would embellish social life by the refinement of their manners and the fruits of their large experience.

But they would not all return. Some, it is to be hoped, richly endowed by nature and improved by study, might win the favour of their Sovereign and the confidence of Parliament, and rise to the higher posts and employments of the state. If they did not, it would be because they were unworthy, and their countrymen could not complain; if they did, the free participation of North Americans in the honours and rewards of the empire would be proved and illustrated, and a field would be opened to our youth which would enable them to vie with indifference the prizes for which their republican neighbours so ardently contend.

Mark, my Lord, the effects which this system would have upon our Legislatures and upon our people. Is there a young man in North America, preparing for public life, who would be contented with the amount of study and the limited range of information now more than sufficient to enable him to make a figure in his native Province? Not one. They would ever have before them the higher positions to be achieved and the nobler fields of competition on which they might be called to act. They would feel the influence of a more lively emulation and subject themselves to a training more severe. Our educational institutions would improve; a higher standard of intellectual excellence would be created; and not only in society would the influence be felt, but in the courts, the press and in the Provincial Parliaments there would reign a purer taste and a more elevated style of discussion.

These are a few of the advantages, my Lord, which I believe would flow from this concession. The views I entertain might be variously illustrated and explained with more accuracy of detail; but I feel that your time is precious, and that if once interested, your own vigorous understanding and acute perception will enable you to master the subject. There are other topics which, at fitting occasions, I may take the liberty to press upon your Lordship's notice; but in the meantime beg you to believe that, however crude my views may appear or homely the style in which they are expressed, I have but two motives—a sincere desire to see your Lordship a successful minister, and North America indissolubly incorporated with the British Empire.

My father left the old colonies at the Revolution, that he might live and die under the British flag. I wish to live and die under it too; but I desire to see its ample folds waving above a race worthy of the old banner and of the spirit which has ever upheld it. I know North America well; and I am assured that, while a feeling of confiding loyalty is very general, there is as universal a determination to rest satisfied with no inferiority of social or political condition. We must be Britons in every inspiring sense of the word: hence my anxiety to anticipate every generous aspiration and to prepare the way for that full fruition of imperial privileges which I trust will leave to my countrymen nothing to complain of and nothing to desire. Should your Lordship, to whom, as a colonist, I feel we are largely indebted, adopt my views, I shall be amply repaid: should you reprove my boldness or question my sagacity, it will not lessen the sincerity with which I subscribe myself, with much respect, your Lordship's obedient and very humble servant,

JOSEPH HOWE.

October, 1846.

Dr. Bartlett, of the New York *Albion*, had usually sympathised with the old compact parties, and had consequently distrusted the prudence of Mr. Howe's general views. The second letter to Lord

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John Russell, however, won from him an expression of entire approbation. Of the plan developed in it he says :

“As a great measure or great experiment, we prefer it infinitely to a general union or confederation of the Provinces, now so much agitated ; and mainly because Mr. Howe’s plan, taken as a whole, would have a tendency to amalgamate the colonies with England, to transfuse the blood of the young with that of the old, and to make both one corporate and uniform body, resplendent with strength, beauty and perfection.”

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Address to Lord Elgin—Letters of Dec. 17, 1846, brought down in Legislature—Simultaneous Polling Bill passed—Bill for Consolidating Crown Land Departments—Mr. Howe's speech thereon—Fraudulent Conveyancing Bill—Close of session—Preparation for elections—Public meetings—Mr. Howe's letter to the freeholders of Nova Scotia—Speeches in the country—The elections—The Reformers successful—Comments on the result—Mr. Howe's return to Musquodoboit—Addresses to Mr. Howe—His reply—Reform cause in New Brunswick and Upper Provinces—Executive retain office after defeat at the polls.

THE session of 1847 opened on the 21st of January. Lord Elgin arrived in Halifax, on his way to Canada, on the 25th. An amusing incident grew out of the Governor-General's visit, *en passant*. The Solicitor-General moved a complimentary address in the Lower House. Mr. Howe rose, and approving of the suggestion, as quite in accordance with the usual practice, and imposing an agreeable duty, from the high character of the Earl of Elgin, and the success he had achieved elsewhere, approved of an address on another ground; because, as the Earl was nearly connected with the family of the late Earl of Durham, it would give to the House an opportunity of paying to his memory the tribute of respect and admiration which that lamented nobleman had earned by his imperishable report. The administration were excessively embarrassed by this suggestion. One after another, the members and supporters of Government rose and protested against any allusion to Lord Durham; and one after another, the members of Opposition declared that a compliment to his Lordship's memory, clear and unequivocal, should be an essential element of any address presented on such an occasion. "When," said Mr. Howe, "you address the Queen, you always allude to Her Majesty's father, who *lived* in Nova Scotia. Why not allude to Lady Elgin's father, who *saved* North America?"

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The Government at last gave way, and Lord Durham's services were recognized in a passage of the address, which was prettily acknowledged in the reply:

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"Your kind allusion, gentlemen of the Assembly, to my connection, by marriage, with the family of the late Earl of Durham, has deeply affected me. That his memory should be held in grateful remembrance by you is a further inducement for me to labour zealously in your service, and will prove an encouragement under any difficulties or trials which I may encounter in the discharge of my duty."

Early in the session, a series of documents were asked for and brought down, connected with the abortive attempt made in the autumn to form a coalition. Others were asked for, and, not being furnished, were read by members of the Opposition in their places. Among these was the paper below, in which Mr. Howe's condensed style will be readily traced:

HALIFAX, December 17, 1846.

May it please your Excellency,—We have given to the papers handed to the Speaker and Mr. Howe on Monday last the grave consideration to which any communications coming through or from the head of the Government are entitled; and we now proceed to discuss their contents with the frankness which seems to be expected of us, and in the confident belief that your Excellency desires candour and distinctness from all the parties who have been called by their public positions to take part in this inquiry.

Lest the mode adopted should be drawn into precedent, we must express our regret that your Excellency should have been advised to lay before the members of Opposition the communications, oral and written, which have passed between your Excellency and your Executive Council. These, we humbly conceive, ought to be of the most private and confidential nature. If a distinct proposition is the result, the Opposition have something tangible to deal with; but they ought not to be called upon to criticise communications out of which, so far as they can perceive, nothing has yet grown but a dexterous evasion of a clear and positive command.

Your Excellency, in your address to the Executive Council, dated 2nd of December, calls upon them to aid you in the formation of a "mixed Government, including the talented and influential of all parties," "to propose to you the names of the gentlemen whom they would recommend to supply the existing vacancies"; and you informed them "that a fair distribution of official patronage (in which you are ready to concur) will necessarily constitute the basis of the proposed coalition or fusion of parties."

These directions are clear and specific; and we can perceive at once the object which your Excellency had in view and recognize the means by which you propose to arrive at it as constitutional and legitimate. We regret to observe that in no one particular have your requirements been met or your commands obeyed; and, but for irrelevant matters very improperly introduced, we feel that we might fairly decline to interfere, until your Excellency's

instructions had been complied with, or the want of ability or inclination to comply with them had been ingenuously confessed. CHAP. XIII

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In discussing questions of this nature, English precedents are our safest guide. If the Cabinet at home is weak and a more extended basis is desirable, the leader of the Government does not wait to be reminded of his duty by the Sovereign, but suggests promptly the *modus operandi* by which a change should be effected; if new appointments are required, he proposes the names of those who are willing to serve with him; if offices are to be vacated, he "takes the initiative" and places them at the Sovereign's disposal. If he delays or neglects this duty till formally called upon, he then obeys the commands which his own inertness has rendered imperative, and if he is unable or unwilling to comply, tenders his resignation. He does not travel out of the official note in which the commands of his Sovereign are conveyed to attribute to her expressions and opinions that it does not contain; which either were or were not dropped in the royal closet, but which Her Majesty has not conceived it politic or wise to throw out as materials for controversy among any portion of her subjects. It is to be regretted that this time-honoured practice has not been adhered to by your Excellency's advisers. They have waited three months without discovering their weakness or informing your Excellency that the Council was defective in numbers and strength. When their attention is called to the fact, they profess adherence to a principle which for three years they have violated in practice; give your Excellency the name of one gentleman who is ready to retire, but of none who is willing to go in; attribute expressions and seek to extract opinions which might embarrass rather than facilitate the arrangements they profess to desire, by involving your Excellency in the unhappy controversies of the past; and, in obedience to your Excellency's command that "a fair distribution of official patronage should constitute the basis of the proposed coalition," argue in favour of a life tenure of office and place the Solicitor-Generalship alone in your hands, wherewith to satisfy the claims of the Opposition and convince us "of the sincerity of their professions."

Such being the mode in which the gentlemen from whom your Excellency had a right to expect a liberal construction of your appeal and prompt obedience to your wishes, have obeyed your commands, we might be pardoned for declining to interfere; but we are reluctant to evade the main questions raised by your Excellency, from any dislike to the form in which they have been presented or from any desire to shrink from the responsibilities which our positions impose.

We understand your Excellency to desire to know whether the leaders of Opposition will, at the present moment, enter into a coalition with five of the six gentlemen who have signed the papers submitted to us, accepting four seats at the Council board and the Solicitor-Generalship. That your Excellency may not suspect us of any desire to mislead, or to create embarrassment by the concealment of our opinions, we deem it our duty to answer in the negative, for the following, among other reasons:

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Because, even if a mixed or a coalition Government were in any case to be thought of, after the experience we have had, the leadership in one or the other branch should be conferred on the Liberal party; a fair distribution of patronage should be arranged at the formation; and justice to all Her Majesty's subjects be the rule thereafter. To ask the Opposition—embracing nearly half the House and, as we believe, a vast majority throughout the country—to share the responsibilities and labours of Government, holding but one office of subordinate importance, while the opposite party were left in possession of all the other official employments of the Province, securing to them the influence of every department, would be far from meeting our ideas of equal justice.

Because, except under peculiar circumstances, coalitions rarely work well. If the members act in good faith, they ultimately form one party, while another as surely arises to oppose them, with whom, if the principle is to be carried out, another coalition must be formed. The experience of the mother country is not favourable to such combinations; and the coalition in which several of the present Council served was continually weakened by their conduct, and ultimately shattered by the appointment of the gentleman who now professes his willingness to resign.

Because, though we shall be at all times ready to act with gentlemen with whom we can agree on common measures and in whose patriotism and discretion we confide, with the members of the existing Council we can enter into no political alliance, until the people of Nova Scotia decide between them and us, upon various matters drawn into controversy during the last three years. Though they now desire to make it appear that there are "no questions of public moment" dividing parties in Nova Scotia, they well know that:

While the Liberals have sought to introduce into the Province the system of government suggested by Lord Durham and sanctioned by Lord Sydenham and his successors, the Conservatives have as steadily opposed it, practically denying to the people the power which should result from the possession of representative institutions.

While the Liberals hold that public offices are public trusts held by the tenure propounded in Lord John Russell's despatches of 1839, and recognized by your Excellency's circular, addressed to the heads of departments in New Brunswick, the gentlemen whose alliance we decline regard the posts which every Governor should have in his gift, wherewith to strengthen and sustain his administration, as a species of freehold, and broadly state that it is utterly repugnant to their principles and feelings to advise their surrender for any such purpose.

While the members of Opposition have laboured for years to obtain a surrender of the casual and territorial revenues on fair and equitable terms, the members of Council have endeavoured to obstruct them, by public action in the Legislature and representations to Her Majesty's Government.

While the Opposition have desired to introduce into the Legislative Council gentlemen of talent and political influence, fairly reflecting the opinions of all

parties in Nova Scotia, the persons whose alliance they decline have used the power they possessed to give to the upper branch a decidedly partisan character, by which the efforts of any fair and liberal government may be permanently obstructed.

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Upon these and many other points of almost equal importance, we patiently and confidently await the judgment of the country, and are reluctant to enter into any coalition with those whose opinions upon them all we believe to be unsound and whose public conduct we anticipate a majority of the constituency will condemn.

We are glad to perceive that the members of the Executive Council decline taking the responsibility of advising your Excellency to increase the numbers at the board to twelve. It would have been strange if they had forgotten that such a proposition, suggested by themselves to your Excellency's predecessor, was signally defeated in 1844; and that when made to the Liberals, it was unanimously rejected. On this point, we are happy to find they have adopted our views. "By the royal instructions," we are reminded, the people of Nova Scotia are entitled to have their affairs conducted by a Council of "nine." We were afraid that this fact had been forgotten, as those instructions have been strangely violated for three years; the number never, during that period, having exceeded six and sometimes being reduced to five.

That Mr. Almon should be willing to resign his seat in Council now, we confess, does surprise us. The reason given for his elevation in 1843 was his "affinity" to the Attorney-General: as the relationship still exists, we presume that the near approach of a general election has awakened the conviction that the people of this Province might resent the elevation of a person comparatively unknown to them,—who had never represented a constituency or won any portion of their confidence,—over the heads of all the members of both branches of the Legislature, many of whom had devoted themselves faithfully to the public service for a series of years.

We cannot discover any reason for attempting to raise a discussion about "numerical representation" at the Council board, except it be to couple your Excellency's proposal with the language of one brought to us by Mr. Dodd in 1844 and to create an impression that some party in Nova Scotia are pressing upon the Governor an idea too absurd for anybody to entertain.

With respect to the mode in which business is transacted in the Cabinet, the people of Nova Scotia, like the people of England, are wisely indifferent. These are matters of internal arrangement about which any discussion is unnecessary at the present time. Whether questions are decided by a majority of votes or by the single voice of the Queen's representative, we shall continue to hold those whom the constitution teaches us to assume have been consulted, responsible for every exercise of the prerogative and every act done by the Government of which they are members.

If disposed to trouble your Excellency with a history of the past, we could show that we have given many substantial proofs of a desire for "harmony"

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and conciliation, and that we were only driven to take the ground we now occupy by a growing conviction of the insincerity of the persons, association with whom we now respectfully decline. From 1840 to 1843, they were protected by the Liberal party in the Assembly, who magnanimously left them and their friends in possession of nearly all the emoluments of office and most of the seats in Council. In 1843, they broke up a "mixed government" by inducing the Lieutenant-Governor to appoint a seventh Conservative, the Liberals at the time occupying but two seats. That act drove into opposition the gentlemen who held them, and another who, though previously identified with the opposite interest, resented what he believed to be gross injustice to a party that for three years had steadily supported the administration.

Finding a Government which, while it possessed our confidence, was sustained by four-fifths of the members of the Assembly, reduced by the appointment of Mr. Almon to a majority of one, the gentlemen who now seek our aid found themselves compelled to invite our co-operation on several occasions. In every proposition made to us they sought, as they do now, "a party triumph," and not the peace of the country. Their overtures were rejected, but influenced by a sincere desire to strengthen the Government, we indicated the fair and honourable terms which we were ready to accept. Our opponents preferred a monopoly of official income and the undivided possession of power. They have had both; and so long as a majority of the Assembly, however small, sustain them, or your Excellency deems it right to conduct the Government with advisers powerless or unwilling to carry out in practice the principles they profess, we are satisfied to hold a position honourable in the estimation of the country and to preserve our consistency, without seeking any share in the administration.

In conclusion, we beg to assure your Excellency that we rejoice to find in the extract from Lord Grey's despatch the true position which a colonial Governor should occupy, so accurately defined. The Province has suffered much from the want of that mediation and moderation proffered by your Excellency and enjoined by the Colonial Secretary; but under your auspices we anticipate the courteous observances and rigid impartiality which make the working of representative institutions so easy, and draw from them so much of personal independence and practical utility. Your Excellency will ever find us prompt to sustain you, by the public expression of the respect which we collectively and individually feel, and if we cannot consent to act with a party who do not possess our confidence, we shall, nevertheless, give our best consideration, and if possible our support, to any measures which your Excellency may suggest for the advancement of the public interests.

The members of the Legislative Council, with whom we have deemed it necessary to consult, approve of the course we are taking and of the sentiments we have expressed. We have only to regret that from the apparent necessity for an early reply, we have not been able to submit the documents referred to us, to gentlemen residing at a distance, whose judgment we respect, but whose

opinions we confidently anticipate will be coincident with our own.—We have the honour to remain your Excellency's most obedient and very humble servants,

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JOSEPH HOWE.
LAW. O'C. DOYLE.
JAMES McNAB.
GEORGE R. YOUNG.

On the 28th of January, an elaborate reply to this paper had been sent in by the Council; Mr. L. M. Wilkins, who was absent, embodying his peculiar views in a separate letter to the Governor. These documents, which had not been seen by the leaders of the Opposition until they were laid on the table of the House, created much feeling and led to animated debates; but all parties felt that further controversy was a waste of time, as the final appeal to the country, which could not be delayed beyond the approaching summer, must decide the points at issue.

The Simultaneous Polling Bill was introduced by Attorney-General Johnston during this session, acknowledged by the Opposition as an improvement on our electoral system and passed without much debate.

A measure introduced by Mr. Howe for the consolidation of the Crown land departments was more stoutly opposed. The political discussions of the session turned chiefly on this bill. It touched the interests of persons nearly connected with prominent members of the Government, and it was assumed to be intended to smooth the way for the complete introduction of the departmental system. The bill was fought through both Houses, but did not finally receive the royal assent until the following year, when Mr. Howe was in a position to bring the influence of the Executive Government to bear upon the deliberations of Downing Street.

On introducing this measure, its nature and the necessity for it were thus explained by Mr. Howe on February 10th :

My object is to combine the offices, lessen the expense, and make whoever presides over them a member of the administration for the time being and a responsible head of a department. Against the introduction of the system generally, it has been urged that offices must be created, but here are two already in existence; then it was said, expense must be incurred, but here there is annually a larger sum spent than under the change contemplated will be required. We shall save money, not increase our outlay, by passing the resolution. Last year, it was said excise officers should not be introduced,

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because they were excluded in England and in Canada. The same objections cannot be urged now. The Commissionership of Woods and Forests is, in England, a ministerial office, the occupant of which changes with the administration. In Canada, the Commissioner of Crown Lands is a member of the Executive Council.

Taking the sales in Nova Scotia proper, from 1827 to 1838, inclusive, making a period of twelve years, we have sold 124,863 acres of Crown lands. The people have paid for and on account of these lands, £9800, 4s. Of this sum, the whole has been swallowed up by the department, except £1834, 13s. 1½d. This latter sum, then, is all that has been paid into the treasury. But while we have received this small amount on the one hand, we have paid out with the other £187, 10s. as salary to the Surveyor-General, who is the same officer; so that in the twelve years we got £1854 and paid £2250. Add the difference, £396, to £9800, 4s., and while the country paid, in twelve years, £10,199, not one sixpence of revenue was derived from the sale of 124,863 acres of the Crown estate.

Looking at Cape Breton during the same period, or rather from 1832 to 1838, the period of seven years embraced by the abstract, we find that £4175, 3s. 9d. was received for land. The whole of this sum was consumed by the department, except a balance of £386, 2s. 6d., but even this small amount has not been paid in, as the officer claimed the right to retain £500 in his hands. During this period, £125 a year has been paid to a Surveyor-General, so that the whole proceeds of the Cape Breton lands in these seven years has been swallowed up, and £875 besides.

Taking Nova Scotia proper for the period from 1839 to 1846 inclusive, in those eight years 95,459 acres of land have been sold. Of the £10,791, 12s. 7d., returned as the net proceeds, £5480 has been paid in; but then we paid out £1500 to the Surveyor-General, while the country has paid for surveying, printing, contingent and incidental expenses, £3635 besides. The result of our twenty years' experience, then, in Nova Scotia proper, comes to this: We have sold 220,322 acres of land.

This has cost the people	£23,691	17	7
We have paid the Surveyor-General in that time	3,750	0	2
	<hr/>		
	£27,441	17	9

Of this vast sum, we have received but £6791, 17s. 3d. From these facts, it is clear that, manage the lands as we may, we cannot make them, as a source of revenue, less productive than they have been.

A measure was introduced by the Attorney-General during this session, known as "the Fraudulent Conveyance Bill." It was sharply attacked by the Opposition, on the ground that it was intended to secure to the Government the means to perplex and intimidate

voters at the approaching elections. In the course of the debate upon it, the Attorney-General described some resolutions introduced by Mr. G. R. Young, as "the last kite of the session." Mr. Howe's retort was ready and keen :

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"There are," said he, "two kinds of kites; there is the innocent toy which amuses us in boyhood and which, in the hands of a philosopher, may call down light from Heaven. There is the foul bird which settles upon an object but to sully or destroy. Our learned friend's kite resembled the former; the latter was represented by the Attorney-General's bill."

The session closed about the end of March and all parties began to prepare for the elections. Mr. Howe returned to his home, to rest and recruit and prepare for the work which yet lay before him. The season of repose was short. The members and supporters of the Government took the field early, and in due form, or rather with an organization and lavish expenditure never equalled in any former contest. They selected four gentlemen of respectability and influence to oppose the members for the city and county of Halifax. Careful selections were made in other counties. They raised a large fund and paid it into the bank, avowedly for electioneering purposes, and they hired a schooner and freighted her with goods and liquors for distribution among the electors around the shore. They covered the country with slips and placards, in which every species of political distortion and unfairness was interwoven with piquant and virulent personal abuse. Reams of these missives were scattered all over the Province. If permitted to circulate uncontradicted and unexplained, who could calculate the result? Mr. Howe returned to town early in May, and at once published a card denouncing this system of mean detraction and challenging those conducting it to meet him in any ward of the city or in any settlement in the county, pledging himself to expose before the people the baseness of their conduct and the unfounded nature of their charges. The challenge was not accepted. It was then determined to hold a series of meetings in the most important sections of the county of Halifax. The first came off at Preston. There must have been at least twenty meetings, and at all the burthen of explanation or of debate fell upon Mr. Howe. There was often great fun, particularly where there was opposition. No preparation was made. The scenery, the associations, the pursuits and peculiar habits of thought of the district in which he spoke, supplied materials for declamation and illustration; and whether he addressed the coloured people of

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— he appeared to be perfectly at home.

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Having prepared his own county for the triumphant return of the four old members, Mr. Howe's next care was to see that the other counties were correctly informed and properly organized. On the 4th of May he addressed the following letter "To the Freeholders of Nova Scotia":

FELLOW-COUNTRYMEN,—After nineteen years of public service, ten of them passed in the Legislature, I have but one more task to perform; and I crave your patience, while I acquit myself of it, with the frankness and I trust the modesty which become an individual addressing, perhaps for the last time, the population of an entire Province.

In a few months, it may be in a few weeks, the existing House of Assembly must be dissolved under the law and you will be called upon to select representatives to whom, for a period of four years, the interests of Nova Scotia, so far as they depend on Legislative action or Executive influence, must be confided. This duty, sufficiently solemn and requiring the exercise of a sound judgment at all times—on the present occasion, from the position in which conflicting parties have placed you, calls for a more than ordinary measure of firmness and discrimination. Between those two parties there can be no fusion—no compromise. You have to decide between two sets of men and two sets of principles, in the presence of your families, whose future fortunes will be affected by your decision, and of upwards of a million of North Americans inhabiting the adjoining Provinces, who view your progress towards the settlement of a constitution with much solicitude, and whose political advancement may be influenced by your example.

Having taken so prominent a part in the measures which have produced the present crisis, you will pardon me if I confess that I feel a deep interest in the result of the approaching contest. Great pains will be taken to persuade you that this interest is purely personal—that in the advice I give I am actuated by a desire to grasp power and office, and not by any regard for the public welfare. If you believe this of me, you will do yourselves injustice and be grossly misled. Before you give credence to such slanders, recall to mind a few facts, known to you all, and which will enable you to judge of my motives by my past actions.

Two offices of emolument were held in my family. Had I sustained the old system of government and not denounced the hereditary transmission of office, these places would have been mine at this moment; and I could have held them for life, and perhaps have transmitted them to my children, irrespective of public opinion.

In 1837 and again in a subsequent year, Sir Colin Campbell and afterwards Lord Glenelg offered me a seat in the Executive Council. Had I accepted either of these offers, I could have gone into the old Council, where

permanent office and a conspicuous place in the administration for life would have been mine. I declined these honours and prospects, because *I sought a constitution for you, not a provision for myself*. I could not conscientiously identify myself with a Government which was hostile to your interests, nor give the stamp of my approbation to modes of administration of which I entirely disapproved.

In 1840, when pressed by Lord Sydenham to take part in the new administration then forming, I declined, urging the just claims of others and respectfully suggesting that I could be more useful to the Government and the country by maintaining an independent position. At the request of his Lordship, who required my services in the development of principles then for the first time about to be introduced into the Government of North America, I consented to serve and did serve as a member of the Executive Council, for two years, at great personal sacrifices, without fee or reward.

In the autumn of 1842, having previously relinquished my private business, with the management of which the discharge of my public duties largely interfered, I accepted an office, which became vacant by the death of the incumbent and which was freely tendered to me by the Lieutenant-Governor, with the sanction of all my colleagues.

If disposed to have held this office and a seat in Council, at the sacrifice of your interests and of what I believed to be public principle, I should hold them now. But acts were done which I could not defend, and a course of policy adopted of which I disapproved, and I resigned them both in December 1843. They were offered to me again in February 1844, but accompanied by conditions which I believed would involve a sacrifice of your interests and of my own honour, and they were respectfully declined.

Whatever motives may be attributed to me, my countrymen, these are facts, of which I do not remind you for any poor purpose of self-laudation, but that you may be furnished with a ready answer to the slanders of my enemies: not one of whom, so far as I am acquainted with their history, has given the same guarantees for sincerity and good faith. I remind you of these things, because you are a practical people to whose common sense acts will speak louder than words; and in order that you may weigh the subsequent statements to which I design to call your attention, without having your minds influenced by idle tales and unjust insinuations. I may be in error in the views I take of public affairs; but I am anxious that my countrymen should see and feel that I am in earnest.

Passing from mere personal matters to the more enlarged questions which invite a calm consideration, let us inquire whether there is anything novel or alarming in the aspects of affairs or in the duties you are called to discharge. I am happy that I see in them nothing but manifestations of the practical development of a free constitution—the ordinary occurrences which must be looked for under a system of responsible government, which subjects, in their turn, the conduct and principles of all parties to the grave deliberation and

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solemn decision of a free people. There are not wanting alarmists who endeavour to terrify you with the idea that you are treading on dangerous ground—that you are menaced with some awful convulsion; and that their wisdom, watching over the affairs of state, can alone save you from irremediable ruin. Heed not such worthies—they are the same batch of Halifax officials, Tory merchants, village lawyers, and their friends and dependants, who at every step in advance which you have made or attempted to make, for the last ten years, have endeavoured to alarm you with apprehensions and to induce you to bow to their false gods, with a degree of political superstition unworthy of the country you love or of the race from which you spring.

The two parties present themselves before you at this moment claiming your suffrages. Both admit that your decision upon their conduct and their principles must be final. Reflect for a moment that if you lived in a despotic country such as the Tories of Nova Scotia would make this, there could be no such appeal; the will of the Sovereign or of an oligarchy would be law. You might vote, if your rulers accorded the privilege; but you could decide nothing. An election would be a mockery as it was in England down to the period of the Revolution; as it is in France and other European states at this hour; as it was in Nova Scotia down to 1840; and as it would have been to the end of our natural lives, if those who just now profess for your judgments great deference and respect had not been controlled by their opponents and by a course of events which has elevated you to the dignity of British subjects and reduced to the position of your servants those who were formerly your masters.

You may remember that in 1830 there was a fiercely contested election—two parties contending for the mastery; and principles growing out of “the Brandy dispute” being warmly debated all over the Province. The people on that occasion did their duty manfully. They returned those who had battled for their rights, with a triumphant majority; but, after all, they decided nothing. They did all they could; they had no power to do more. The officeholders and members of Council, who had provoked the contest, sacrificed the revenue, and set the people’s representatives at defiance, still held their places and governed Nova Scotia for ten years in spite of the leaders of the people with powerful majorities at their backs. Can they do this now? No: the men who provoked the late contest and who stand before you for judgment are conscious that your verdict, if against them, carries with it a penalty from which there is no escape. They must not only obey the people’s voice, but yield the positions which confer influence and emolument to those who enjoy the confidence of the people.

The distinction is marked. The change presents the evidence of a revolution as great as ever appeared in the history of any country—a revolution won for you without a blow or a drop of blood, by peaceful and constitutional means, and which conferred upon you privileges analogous to those which our brethren in Britain have exercised with so much advantage for the last hundred and sixty years.

You possess at this moment the power to surround his Excellency the Lieutenant-Governor with Councillors in whom you repose confidence and to reward the men whom you believe have faithfully served you, by confiding to them the emoluments of office and the administration of public affairs. Two parties appeal to you for your suffrages—the Liberals who won for you this high privilege, and the Tories who withheld it from you as long as they could, and who would, if they had the power, withdraw it from you now. Decide between them. On the one side are the men in despite of whom responsible government exists in Nova Scotia; on the other, those who have secured for you and for your children this inestimable blessing. Take your choice. That you will decide justly, wisely, and deliver your verdict with sufficient emphasis I confidently believe. That you will longer entrust the working of your new constitution to its inveterate enemies and exclude from all participation in the government of their country the men who have laboured to improve its institutions I will not anticipate. Should you do so,—should you, unmindful of the past and misled by any momentary outburst of zeal—any vague and delusive promises on the part of the enemy,—give them a majority, reflect not on me. My last duty is performed. But be not surprised if public spirit dies out of the hearts of public men; and if some of them retire in disgust from a service which entails upon them unintermitting labour and responsibility but neither gratitude nor reward. For my own part I do not hesitate to say that, having toiled for nineteen years to improve your institutions, having devoted the flower of my life to sedentary labour and active exertion, having written reams and spoken volumes that the humblest order of my countrymen in the most remote sections of the Province should comprehend the nature of this great controversy and learn to estimate the value of the new constitution,—if you falter now; if, with the enemy before you, with the fruits of victory within your grasp, the highest privileges of British subjects to be secured or cast away by a single act, in a single day,—you show yourselves indifferent or undisciplined, I shall cease to labour, because I shall cease to hope. My private pursuits, my books, my family, will sufficiently employ and diversify what remains of life; but I will not waste it in unavailing opposition in the face of a solemn decision of the people that the principles and services of my friends are valueless and that all our labour has been in vain.

Pardon me, my countrymen, if for an instant I seem to doubt your firmness and intelligence. I doubt not either, though I deem it right to deal thus frankly with you. I believe that you are about to do your duty with a cheerful alacrity which will astonish those who have been for the last three years presuming upon your ignorance or indifference. I believe that you are about to read the Tories of this Province a lesson they will never forget and to win for yourselves a very high position in the estimation of British America. The grounds of my confidence are twofold: I have never known you wanting in the hour of trial; and I never knew a case in which the lines of distinction between parties to a controversy were more clear and unmistakable than in this.

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You are to decide whether the Tories or the Liberals of Nova Scotia are to preside over the departments and conduct the government of this Province for the next four, it may be for the next ten years: for the spirit you display in the approaching contest will largely influence the politics of this country for a very long period of time. Let me draw from the history of the past the materials by which to judge of the relative claims of these two parties. I shall speak of them as I have found them and from the results of my own experience. The elements of both have always existed in this as they exist in every country. I found them strangely mixed and jumbled together, when I took my seat in the gallery as early as 1828; but those who were actuated by a sincere desire to promote the general interests were without fixed principles or defined views of government; acting for constituencies who too often decided elections upon personal likes and dislikes, and in the presence of a well-organized body of office-holders who monopolized one branch of the Legislature and alternately wheedled, controlled, or defied the other. There were times when these men clung to a particular measure with honourable tenacity, as they did to the support of the Pictou Academy; but they were sure to be beaten in the end. There were times when, rallied under able leaders, they presented an imposing intellectual front to the enemy, as they did on "the Brandy question"; but, as I have shown you before, though they gained an electoral victory, it brought with it no punishment for past misconduct and no reward for faithful service.

After surveying these contests, for a time I fancied that two things were indispensable to the reformation of our affairs and the improvement of our institutions—a healthy tone of public feeling, based on sound political knowledge, pervading not a class or a coterie, but the great body of the people; and an organized party in the Lower House, acting on general principles which the constituencies understood and feeling in honour bound to advance those principles until they should prevail. In common with other gentlemen, who took the same view of our position, my pen was dedicated to the work of public instruction, down to 1837, when I went into the Assembly to aid in those combined legislative movements for which the country was now prepared, and which if made in good faith the people were ready to sustain.

Up to this period, you will perceive, the Tories of Nova Scotia had ruled this country, according to their own good will and pleasure and for their own advantage. How they had ruled and how they were ruling it, you have probably not forgotten. Let me turn your attention to the state of the Province in 1837, just ten years ago, when the two parties which now claim your suffrages, began steadily to confront each other:

1. The members of the Legislative Council, holding their seats for life, formed a permanent Executive Council, controlling every Governor and treating the people and their representatives with contempt.

2. The doors of the Legislative Council were closed against the people.

3. Public departments and offices were held by irresponsible incumbents and transmitted from father to son.

4. No representative of a town or county sat in the Executive ; the people, therefore, possessed no power to remove an obnoxious adviser of the Crown by refusing to elect him.

5. The representative branch possessed no power to influence the Executive by remonstrance or to get rid of a bad administration by a vote of want of confidence.

6. We had ten judges, paid out of our revenues, who performed on an average but a few weeks' work in the year.

7. Some of those judges exacted from suitors about £1000 of fees per annum, for which there was no law.

8. The Chief-Justice sat in the Legislative and Executive Councils and mixed in all the fiery conflicts of politics.

9. There was no Quadrennial Bill and a House once elected sat for seven years, if sufficiently pliant and corrupt to suit the taste of the Executive.

10. There was no bill for vacating seats on the acceptance of office, and any representative of the people might sell himself to the Government without incurring the slightest responsibility.

11. The public lands of the Province were appropriated by the Crawley and Morris families and scarcely yielded a sixpence to the treasury.

12. The casual and territorial revenues were divided by the officials among themselves without any check or control.

13. The custom-house salaries were enormously high, and the privilege of free trade was confined to two or three ports.

14. Of twelve members of the Executive and Legislative Councils but two had ever represented a township or county in Nova Scotia.

15. Of the twelve all lived in the town of Halifax but one.

16. Of the twelve nine were churchmen and but three dissenters.

17. The main roads still went over the Horton and over the Cumberland mountains ; there was no Guysborough road, no shore roads east or west of the capital ; but few worthy of the name in Cape Breton ; and, though £30,000 of revenue had been thrown away in a squabble between the two branches, and a much larger sum flung into the Shubenacadie Canal, no man having act or part in these follies had ever been called to account.

Now, my fellow-countrymen, when you are told—as you have been frequently and as you will be a thousand times during the approaching canvass, by the agents that the Tories are sending over the country—that Nova Scotia has been, is, or is to be, ruined by Howe and the Liberals, bear in mind that this is the state in which Howe and the Liberals found this Province when I entered the Legislature in 1837.

In what state did we find its capital ? Its condition prior to 1835 may be seen in the six hours' exposition of its corruptions and abuses which I was compelled to make in that year before the Supreme Court. This showing up led to some improvements but to no fundamental change. Halifax possessed no

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vestige of municipal privileges no right of election to office, no efficient accountability, in fact, no responsible government.

This, my friends, is a faithful picture of your country and of its institutions as the Liberals found them in 1837. To sweep away such a mass of absurdity—to cleanse such an Augean stable—was no easy task. The Tories tell us now that they are great reformers and great patriots. What were they about from 1837 to 1840? Which of them raised his hand or his voice against this miserable system of irresponsibility, folly and corruption? I ask you, my countrymen, if in all the arduous labour which the Liberals encountered in dealing with these questions they ever had the cordial support of the Tories as a party—whether as a party, however individuals may have occasionally voted on particular measures, we had not at every step their uncompromising opposition?

You are now asked by the gentlemen who assembled at the Harmonic Hall the other day to return a parliamentary majority to put down the Liberals. I was not at the meeting of course, but I know the materials of which it was composed and the animus which guided its deliberations. I should like to see ten men selected from it, of any mark, who ever gave voluntary aid in clearing away this mass of rubbish, with which the Liberals resolutely grappled in 1837. Where were the six members of the Executive Council for whose advantage you are now asked to vote down the Liberals that they may be maintained in their positions?

Where was Sir Rupert George? Receiving his £1800 a year (in ten years since this contest commenced he has pocketed £18,000)—for what? Has he proposed one measure of reform, written one article, or made one speech, to instruct the people, to advance a principle or to carry a measure? What has he done, then? Left the Liberals to do their work; while his wealth, his social and political influence have been employed to obstruct them. These advantages, combined with a daily intercourse with every Governor, have made him the soul of that confederacy by whom your rights have been endangered, and by whose electioneering arts it is now vainly hoped that you are to be again cajoled.

[Similar questions, having reference to the other members, were put and answered, but we omit them, as the letter is long enough without.]

But, last though not least of the six, where, let me ask of you, was the Attorney-General in 1837, when all the work which I have enumerated in these seventeen numbered paragraphs was still to do, and when the Liberals of Nova Scotia were bracing themselves for the labours which they have happily achieved? I saw him first, surrounded by all the Tories of Halifax, labouring with all his might to defeat Bell and Forrester's election; I saw him next in the Legislative Council, a staunch supporter of an administration in which sat *eight* churchmen and *four* dissenters, a determined opponent of responsible government. Again, I saw him voting to send Mr. Stewart and Mr. Wilkins to England, to oppose Mr. Young and Mr. Huntington, charged with an important mission by the people's representatives. In the winter of 1839, I saw him

defeating the Civil List Bill, and giving as a reason that salaries—higher than he ventured to ask in 1844—were not high enough; and, in the spring of that year, I saw him at Masons' Hall, surrounded by all the Tories of Halifax, defend Sir Colin Campbell for ruling for years with a parliamentary minority and denounce the House of Assembly, which had the manly firmness to pave the way for the new constitution by requesting his recall.

Yet these are the men that the Tories of Halifax have again met in solemn conclave to ask you to sustain—the patriots, who have so many claims to your confidence, whose past services have earned for them, from the people of Nova Scotia, such a debt of gratitude. These are the worthies for whom the Liberals are to be trampled under foot—for whom the Speaker, Huntington, Doyle, McNab, Desbarres, McLellan and their associates—(the men who have done the work of this country for ten years and who deserve the highest rewards that a free people can bestow) are to be thrust aside. Oh no, my countrymen, I will not believe it of you. Blind and infatuated and servile you would be indeed to follow such counsels and make such a selection. The farmer who would sow day-nettles among his wheat—the merchant who would ship pirates in his bark—the mother who would entrust her children to the wolves, would not err more strangely than would the electors of Nova Scotia, if they committed such a blunder.

I had hoped, fellow-countrymen, that this letter would have contained all I had to say to you, but it has grown under my hands and I must reserve for another a brief sketch of the manner in which the Liberals dealt with the Augean stable—of the mode in which it was cleansed and purified, with great advantage to you, and no thanks to the Tories. In the meantime do me the favour to keep this letter, that you may read the two in connection, fixing your attention upon the numbered paragraphs, which furnish a picture of your country as it appeared when I first took my place beside those true friends to civil and religious liberty, who deserve your support as surely as they will ever command the esteem of your very humble and faithful servant,

JOSEPH HOWE.

May 4, 1847.

Between the date of this letter and the 5th of August, when the elections came off, Mr. Howe's exertions, mental and bodily, were very great. He rode through twelve of the principal counties of the Province, attended upwards of sixty public meetings, and was entertained at about fifteen public dinners. When we remember that these sixty meetings came off in ninety days, that they were often addressed for two or three hours, sometimes in the open air; that when opposition arose, two or three speeches, in reply or explanation, had to be made; that able and ingenious speakers had to be encountered, as at Amherst, where the contest with the late Master of the Rolls lasted two days—as in the county of Hants, where

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Mr. L. M. Wilkins had to be battled with from Windsor to Maitland—that besides speaking so frequently in public, Mr. Howe had to travel and talk all the time to the thousands of people who flocked about him and whom it was indispensable to organize, we may assuredly wonder at the strength of the intellectual and physical resources which could stand this wear and tear.

But few of these speeches were reported; perhaps not many of them were worth reporting. There must have been a general sameness of argument running through them all. But a friend who accompanied Mr. Howe in many of those journeys was known to declare that he was often astonished at hearing the same topics treated so variously; and that he often listened to two or three speeches in the same day, the substratum of argument being the same in all, but the jokes and illustrations so fresh and original, as the localities changed, that he often enjoyed the last effort the most.

The general election came off on the 5th of August. A strong majority of Liberals was returned. The administration was defeated in the metropolitan and many of the more populous and important counties. The results of the contest are thus summed up in *The Nova Scotian* of the 16th of August:

But merely counting the number returned gives a very inadequate idea of the state of public opinion. The Liberals have carried *twelve* counties, the Tories but *five*. Every county but one is ours from Cape North to Cumberland, embracing one-half the territory and population of the Province, while to the westward we have four of the finest, with the metropolitan city and county in the centre. In Halifax, where the wealth and resources of the official and Tory party are concentrated and most active, our candidates have been elected by triumphant majorities. It will be very gratifying to Lord Falkland to learn that in the capital of the Province, where he could collect but a few hundred signatures to an address, Mr. Howe whom he vainly endeavoured to crush polled fifteen hundred votes.¹ It will give him nearly as much pleasure to see Mr. McNab at the head of the township poll; to learn that Mr. Uniacke was elected without opposition, and that the Speaker has beaten the Solicitor-General's "brother-in-law" by the slight majority of eight hundred and twelve.

In another respect this victory is most decisive. The Liberal party have lost two speakers and one or two other gentlemen whose steadiness and integrity made them valuable members; but Mr. Johnston, with one or two exceptions, has lost every speaker he had. Marshall, Power, Holmes, Ross,

¹ The vote stood—Howe, 1470; Mott, 1453;—and Lawson, 1000; Gray, 1000.

Smith, Wilkins, Creighton, Owen, are all swept from his side, and he has scarcely got one man in their stead capable of sustaining a debate. The most prominently offensive assailants and maligners of the Opposition have been stricken down with scarcely an exception. Two of the Queen's Counsel and a member of the Government are among the missing. Fraser and Hall have escaped; but it will be recollected that they demeaned themselves, on several occasions, with more moderation and fairness than the rest of the party, and that they had both voted against the Parish Bill.

Mr. Howe had lived for two years on the river Musquodoboit. His welcome home after all his labours was thus sketched in *The Sun* newspaper at the time:

Mr. Howe reached the Red Bridge, about twenty miles from his home, early on the afternoon of Wednesday. Here he was met by a great number of the inhabitants of the Middle Settlement, in waggons and on horseback, who escorted him, with banners flying, and every demonstration of affection and respect, some miles on his road. When the cavalcade reached the rising ground near the Episcopal Church, a still larger body was discovered awaiting its approach. This included the leading men of the Upper Settlement, and the flower of its youth, who had come a distance of fourteen miles to welcome their representative. A waggon, with a raised seat, handsomely festooned with flowers, and drawn by six horses, was in waiting for him. Having taken his place in it, a line of horsemen and carriages, extending for nearly half a mile, was formed, and moved forward in good order, a banner with the inscription, "*Welcome, Howe—The Victory is Yours,*" fluttering above his head. As the cavalcade passed along, flags and handkerchiefs were waved by the women from the houses on the road and these demonstrations were answered by cheers. About three o'clock the procession halted in front of Kaulback's Inn, where dinner had been prepared. The following addresses were then presented; the first being read by Mr. Alexander Stephen, and the second by Colonel Kent:

MR. JOSEPH HOWE:

SIR,—We, the undersigned, on behalf of the Reformers of the electoral district of Middle Musquodoboit, congratulate you on your re-election as one of the representatives of the county in the House of Assembly, in the face of an opposition backed by all the influence of those in power and the use of means that we cannot but deem unfair and unjust. The large majority by which this has been effected is the best answer that could be given as to the belief of the people in the charges so perseveringly and unsparingly made against you.

While we are highly gratified with your personal success, that feeling is much increased by the triumph of principles based upon our birthright as the descendants of Britons. Your unflinching advocacy of those principles,

CHAP. XIII notwithstanding the allurements of power, place and profit, when in possession or tendered for your acceptance, has placed you in your present high position.

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We feel that your political life must be viewed as a proof that your perseverance in the right cause is sure eventually to meet its reward, and be duly appreciated by the people.

It is with confidence that we anticipate that the working out of the principles upon which you have been placed in the Assembly will result in the promotion of the best interests of the country.

We pray that you may be long spared to us and to your country, and with best wishes for yourself and Mrs. Howe and all the family, we are, &c.,

ADAMS ARCHIBALD, *Chairman.*

ALEXANDER STEPHEN, *Secretary.*

MIDDLE MUSQUODOBOIT, 18th August, 1847.

To HON. JOSEPH HOWE, M.P.P. :

We, the magistrates and other inhabitants of the Upper Settlement of Musquodoboit, beg leave cordially to welcome you on your return amongst us, and sincerely congratulate you on the glorious triumph that you and your principles have achieved. Being fully sensible of your valuable services for a period of years and the fidelity with which you have ever justified the confidence reposed in you, we hail with pleasure your re-election. Although we have lately given you the highest proof of our esteem, we should consider ourselves wanting in gratitude did we permit this opportunity to pass without expressing our unbounded confidence in the inflexible integrity which has marked your life, as well as your indefatigable exertions for the improvement and prosperity of this our native colony. We rejoice that the principles for which we have so long and perseveringly contended are becoming appreciated as they deserve, which is manifest from the result of the late election ; and we hope the day is at hand when, under the benign guidance of a constitutional government, we shall enjoy all the privileges of British subjects. In conclusion, we beg that you would convey to Mrs. Howe and all the members of your family our best wishes for their happiness and prosperity, and we wish you a long life to enjoy your well-earned popularity.

Signed by James Kent and Angus McInnis, Esquires, &c. &c.

Mr. Howe replied to these addresses, briefly and extemporaneously. Our readers can imagine what he would say on such an occasion. He referred to the period when the yeomanry of the east took him, a stranger and an untried man, and confided their interests to his care ; to the kindly relations which had since grown up and now subsisted between them ; to the steadiness of their political confidence and the warmth of their reception. Three cheers for the Queen and three

for the Liberal majority were given, and the company sat down to dinner. About six o'clock the carriages were ready, the horsemen mounted, and the party drove off towards the head of the river, flags, handkerchiefs and every outward sign of rejoicing greeting them on the way. It was dark before Mr. Howe reached his home, but his approach was told by the clear notes of the key bugle and the merry cheers, which could be heard for miles down the valley he was ascending. At his door he was met by his family, and the gushing forth of full hearts was not to be restrained by the presence of spectators whose hearts were also full. After spending an hour or two in innocent mirth and mutual congratulations, the company retired to seek those tranquil homes in the bosoms of which unostentatious piety and sound political principles flourish side by side.

Rest was sweet after all the excitement Mr. Howe had gone through.

"For a month," he said, "I did nothing but play with the children, and read old books to my girls. I then went into the woods and called moose with the old hunters, camping out night after night, listening to their stories, calming my thoughts with the perfect stillness of the forest and forgetting the bitterness of conflict amidst the beauties of nature."

While these things were going on in Nova Scotia, the cause of Reform was making progress in New Brunswick. Sir William Colebrooke's Council had contained the leading men of both parties. Some of the most spirited and able had been driven out by the appointment of his son-in-law to the Provincial Secretaryship. That appointment having been disallowed, a new combination was formed, by which political power was retained by the old compact party, Wilmot, Fisher and Ritchie, the real leaders of the Liberals of New Brunswick, being excluded. Those gentlemen were not slow to follow the example of the retired Councillors in this Province. They ceased to talk the unmeaning nonsense about the evils of party spirit, which had been fashionable a year before under the coalition. They threw themselves boldly upon the country, accepted and avowed the principles of responsible government in all their integrity, and New Brunswick for the first time presented the spectacle of a regularly organized administration and opposition, contending for the prizes which both acknowledged could only be retained or secured by the confidence and approbation of the people.

In the Upper Provinces matters had advanced a step or two. Lord Elgin, having filled up the fragmentary administration

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bequeathed to him by Lord Metcalfe, opened the session on the 2nd of June. His Lordship announced two very important concessions made by the Imperial to the Provincial Governments,—the control of the Post Office department and the repeal of differential duties. The latter subject had been announced to the Legislature of Nova Scotia at the previous session, and measures chiefly matured by Messrs. Huntington and Young had been passed in accordance with the new policy, which all parties regarded as a boon.

The session lasted till the 28th of July, the ministry being without moral influence and supported by a majority of three. Baldwin and Lafontaine were biding their time, and all parties felt that a dissolution or a reconstruction was the only remedy.

In Nova Scotia the ministers, fairly beaten at the elections, did not bow to the decision of the country with a good grace. They never had had a working majority in any fair parliamentary sense of the phrase. But it was quite apparent that after the 5th of August they were in a hopeless minority. In justice to the Lieutenant-Governor and to the country, to say nothing of the legitimate claims of the gentlemen who had beaten them, they should have at once retired. They did not, however, but, pretending to doubt and endeavouring to miscalculate the real state of the returns, clung to office until February.

This tenacity of official life was not, as will be readily supposed, much admired by the triumphant Opposition. They pelted them with good-humoured severity, and if compelled to wait for the direct application of the parliamentary notice to quit, determined to have some amusement in the meantime. Under various headings some of the keenest political satires which marked the whole four years' controversy appeared at this period in the Opposition press. We have only room for one :¹

“ Lo ! the poor Indian whose untutored mind
Sees God in clouds, and hears Him in the wind.”

We presume that during his stay in Canada Mr. Johnston will visit Niagara Falls ; and, if he does, we hope somebody will tell him a story, which, among the other traditions of that region, he certainly ought to hear. An aged Indian undertook to paddle his canoe across the stream above the Horse Shoe Fall. Miscalculating the strength of the current or the vigour of his arm, he was drawn into the rapid and found that his life was in danger. He struck out with all the energy of a warrior manfully struggling with his fate.

¹ *The Nova Scotian*, September 29, 1847.

Every iron muscle was tasked to the highest point by a will calm and resolute but bent on self-preservation, as the great duty of the hour; every sleight on which long experience had taught him to rely was tried but tried in vain. Like a bird drawn by some powerful fascination into the jaws of a serpent, conscious of its fate yet powerless to control it, each moment diminished his distance from that majestic emerald wave, which exhibits "the torrent's smoothness ere it dash below," and in whose wild waste of waters he was to die. While there was a chance, a hope of life, the noble savage struggled on; but the rush of the stream was momentarily becoming more rapid, the roar of the cataract sounding more distinctly in his ear. He raised himself with dignity, swept the horizon with his eye, and saw at a glance that every landmark he had hoped to reach was far above him. In that moment the native dignity and fine training of the Indian won for him, even in the very jaws of death, an immortality as fadeless as the verdure of the wave that swept his body to destruction. His spirit haunts the cataract and will continue to haunt it for centuries. Tradition will ever preserve, in fine contrast with the sublimity of nature, a trait of the moral sublime, which our Tory Attorney-General knows not how to imitate. Convinced that his fate was inevitable, the savage threw his paddle down, folded his arms with dignity, raised his death song, and glided into "the spirit land" with the courage of an Indian "brave" and the calmness of a Christian gentleman.

We hope somebody will tell Mr. Johnston this story; his own imagination will supply the contrast. But—but—but what? A Creole is not an Indian; that is all.

CHAPTER XIV

1848

William Young elected Speaker—Vote of want of confidence carried—Executive resigns—New Executive formed—Mr. Howe Provincial Secretary—Speech on motion—Responsible government established—Departmental Bill carried—Crown Revenues and Civil List—Electric telegraph line constructed—Birth of Princess Royal—Letters of "Sydney"—Report of Sir John Harvey—Death of Charles Buller.

CHAP. XIV. ON the 22nd of January, 1848, the new House met. The first question which tested the strength of parties was the election of the Speaker. —
1848 Mr. Howe proposed Mr. William Young. The Attorney-General, Mr. Johnston, opposed the nomination in a very bitter speech, and was followed by several of the more prominent supporters of the Government, who objected to Mr. Young on the ground that he was a violent political partisan. They were answered by Mr. Howe and Mr. Huntington, and on a division the Government was beaten by a majority of six, and Mr. Young was conducted to the chair.

In his opening speech, Sir John Harvey announced the receipt of a despatch from Earl Grey explanatory of his Lordship's views of the principles of colonial government as applicable in some important particulars to this Province. This despatch, it afterwards turned out, was dated on the 31st of March, 1847, was received here in April, and was never promulgated until long after the elections; although it settled many of the points of controversy on which those contests turned.

When the speech had been read, and the draft of an answer submitted on the 24th of January, Mr. James B. Uniacke moved the following amendment:

While we are fully sensible of the importance of the various subjects submitted by your Excellency for our consideration, we feel that in the course it may be advisable to pursue with reference to the measures so intimately connected with the interests of the people, it is essential to the satisfactory result of our deliberations on these and other matters of public concern that Her Majesty's Executive Council should enjoy the confidence of the country;

and we consider it our humble duty respectfully to state that the present Executive Council does not possess that confidence so essential to the promoting of the public welfare and so necessary to ensure to your Excellency the harmonious co-operation of this Assembly.

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The debate lasted until the 25th, when the House divided, and the first successful vote of want of confidence—the first vote that practically illustrated the whole power of the Commons to turn out an administration and establish the Opposition in their places—was passed, by a majority of twenty-eight to twenty-one. The address as amended was taken up on the following day. The day after, the members of the Executive Council resigned. Mr. J. B. Uniacke was immediately sent for, and, no longer hampered with written instructions or commanded to exact pledges, was empowered to form a Cabinet and submit their names in accordance with the practice at home. This was done, and on the 2nd of February the new Cabinet was announced. It included the Honourables James B. Uniacke, Michael Tobin, Hugh Bell, Joseph Howe, James McNab, Herbert Huntington, William F. Desbarres, Lawrence O'Connor Doyle, and George R. Young.

A speech made by Mr. Howe on the 25th of January was as follows :

Labouring under the remains of a severe cold, I had hoped that this debate might close without my being called to take any part in it. I rise to express my sentiments now with extreme reluctance, for it is not in my nature to strike a fallen foe ; and, after having been condemned by the country, I had hoped that the gentlemen opposite would have folded their robes around them and submitted with dignity. The last fight of faction was as unnecessary as it was unavailing. Had the members of the administration submitted gracefully, we might at least have said of them that “Nothing in office became them like the leaving of it” ; we might then have suppressed the feelings excited by our conflicts, and been touched with emotion at the fortitude and resignation of those we had overcome. What is it, sir, that gives its charms to the noble statue of the “Dying Gladiator” ? The inimitable skill with which the sculptor has depicted a brave man, having done his devoir chivalrously, conscious of his death wound, sinking to the earth which his blood honours, without a spasm or a groan. But if the soul, shaken with coward fear, convulsed the limbs and distorted the features, we should turn from the marble with disgust and take no interest in the escape of a spirit so grovelling and debased. I have at times partaken of the noble pastime of our country and hunted the wild moose through the forest glades. While the bay of the dogs rang through the woodland and the animal, dashing aside the branches with his antlers, had a chance of escape,

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there was animation, excitement and pleasure in the chase. But when the fatal bullet had brought him down, and he sunk with the steady fortitude which is not uncommon, I have almost shrunk from the reproof of his earnest and expressive eye and have wished the lead back in the tube again. My feelings were very different if he sunk below the dignity of his race; if he kicked and struggled in his last hour, as the gentlemen opposite are doing here, why, of course there was nothing for it but to knock him on the head.

I am sure I would rather put aside the task to which I am compelled by the learned Crown officers. Are we not all sick and tired of the old stories which the Attorney-General has laboured to revive? Have they not been discussed till they can be invested with no feature of novelty by the most fertile imagination? The learned Attorney-General has gone over, point by point, the speeches of my honourable friend from Yarmouth and my learned friend from Pictou. He has laboured to escape from the force of the arguments he provoked. He has attempted to answer my honourable friend, but has he effaced from one man's memory the impression made by his speech? One sentence delivered by my honourable friend with solemn earnestness ought to be remembered by those who go into the new Government as it will never be forgotten by the learned Crown officers. I vote for the amendment, said Mr. Huntington, because "I have hope from the gentlemen who form the Opposition; from you I have no hope." That sentiment, founded on a ten years' experience of the two parties, animates Nova Scotia at this instant. The people of Nova Scotia have weighed the Attorney-General and his friends in the balance and found them wanting; from them they have no hope, and has the Attorney-General said anything here to show that their confidence should be revived? He complained of the temper which the learned member for Pictou displayed, but had not my learned friend provocation enough in the temper shown by the two Crown officers on the first day of the session? The fierce and uncalculated attacks on one near and dear to him were well calculated to create a little animation; and as to the mode of retaliation,—why, my learned friend may have seen some of his constituents in Pictou dislodging a bear from a hollow tree, by making a fire under it; and his only hope of getting the gentleman opposite out is by making office too hot for him.

The learned Attorney-General thought proper to ridicule our constitutional knowledge. Is he a qualified judge? Think you, if he were to set himself up as a professor of constitutional lore, that his classes would be very numerously attended or that the rising generation would be largely benefited by his labours? He complains that we have not foreshadowed our future policy. I must tell him again, as I have told him before, that "sufficient unto the day is the evil thereof." Let us deal with the matters in hand, and when the proper times arrives, we will favour him with some flashes of illumination. The Attorney-General claims to be judged by English precedents and denies that he has ever violated them. But did he not hold office for a year under Sir Colin Campbell, with a majority of two-thirds of the representative branch against

him? Where will he find English precedent for that? When in 1840 the Liberals came back with a majority, did not the Attorney-General enter the Government with them, adopt their principles, and afterwards when it suited his purpose sneer at the administration of which he was a member? Did he ever hear of any English statesman who thus demeaned himself? The Attorney-General protracts this debate because he wishes to convince the new members whose opinions he conceives are not yet formed. If so, how came it that all their names were paraded, with reprobation, in the press which supports that gentleman and that all his friends, lay and clerical, did their best to prevent them getting here at all? Was not the whole Conservative ticket published in the official organ? The majority who are here beat the Attorney-General's best men at the hustings. Is it to be supposed that they did not know what they were about—that the people did not know? The learned gentleman flatters himself that the new members are here to be instructed. I tell him that they are here because the people knew them to be sufficiently well informed. But we are told that we have put a rope around their necks. Oh sir, has the Attorney-General forgotten the pliant majority which he led here for the last four years, many of whom would have voted that black was white and that two and two did not make four? He complained that my learned friend from Picton wanted to stop his mouth; but has he forgotten his own feats in that line? To stop one lawyer's mouth, even if it could be done, would not be so bad as muzzling the whole fourth estate which the learned Crown officer attempted once. Has he forgotten the attempt made to stop all discussion on the vexed question of the Registrars Bill, when his own colleague moved to shut the public and the reporters out of the lobby and put an end to all discussion? Far be it from me to wish to deny to the Crown officers opportunity for full defence; but when we have made two speeches each, there will be one hundred and two of them and surely that ought to be discussion enough. Where, in England, do we hear of all the lords and members of Parliament being passed over when Cabinet ministers are required? I defy him to quote me the precedent—to show me the example. English precedents! Sir, did we ever hear of the Sovereign writing and publishing an attack on persons who had left her Cabinet? Where have we seen, at home, letters written to gentlemen inviting them to come into the administration, made the vehicles for conveying a reflection upon third parties not included in the negotiations? When did we hear of England being governed by a fragment of a Cabinet for three or four years? The Attorney-General can quote no English precedent, but he gives us the opinion of some travelling Canadian with whose name we are not favoured. English precedent! Show me the English minister who ever published to the world the humiliating evidence of his impotence that he had made in four years three overtures to his political opponents, which had been rejected, and tendered thirteen seats in the Cabinet, which had been refused?

The Attorney-General asks how we can tell what are the contents of despatches which we have not seen. The question is pertinent, but I judge

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by what I have seen, of what has been concealed. Are not our journals encumbered by a heterogeneous mass of diplomatic absurdities, accumulated under the present administration? The Governor's name, it is said, has been introduced into this debate. If so I regret it, and would have checked it had I been here. Nor ought the contents of despatches, not formally laid before the House by his Excellency, to be drawn into discussion. I have not seen the despatch, and have no right to see it. There was one that I should have liked to have seen—that secret and insidious representation upon which the ex-Councillors were charged with “pretensions” because they exercised the common right of Britons, without indelicacy and without offence. Why should we speculate on unpublished despatches? Have we not on our journals that celebrated state paper which informed the Colonial Minister that the Liberals were disunited; that they had no leaders; that Mr. Howe's influence was gone? If disposed to waste time and laugh at the gentlemen opposite, I might turn to that vaunting document and contrast its unfounded statements with the humiliating position which the authors occupy on the treasury bench. As respects the despatch referred to in his Excellency's speech, have the gentlemen any objection to give me the date? [Here there was some bantering and rummaging of the Attorney-General's notes, but the date was not given.] This I may say, sir, that if that despatch bears date last spring, if it explained to the people of this country the views of the Colonial Secretary on responsible government and the departmental system, the men who concealed it and went to the hustings mystifying and vituperating that system neither acted fairly to Her Majesty's Government nor to Her Majesty's subjects. [The Solicitor-General laughingly said they had no objection to go to the country on it now.] Nor I either. There will be lots of snowballs for our constituents to pelt each other with. The Attorney-General is a theologian, but I fear that he has not followed the Scripture injunction, “not to make his flight in the winter.” He has let the autumn months go by and retires in foul weather.

The Attorney-General sneeringly referred to Mr. Doyle's remark that Lord Glenelg's despatch was our Magna Charta. But does he not know that the English people had a Magna Charta centuries before they enjoyed responsible government? I really thought my old pamphlet had been worn out by the learned Attorney-General; it has ever been a stumbling-block and rock of offence to him, and I was seriously considering the propriety of writing another for his especial benefit. Two things strike me with some surprise, sir, whenever I turn to that pamphlet,—I am astonished that a production, so inferior as a piece of composition, should have attracted so much attention; and I am equally surprised that, writing upon a subject so difficult as the mixed character of imperial and provincial institutions, the principles and views propounded taken as a whole were so sound as they have been proved to be by the test of subsequent experience. The Attorney-General says that in 1839, I was in advance of Lord Durham. He is mistaken. Lord Durham and I perfectly agreed, but I am willing to acknowledge that both might have been somewhat

in advance of the views entertained in England. But the Attorney-General tells us that he was for advancing gradually,—yes, sir, so gradually that we were to have freedom by infinitesimal doses and responsible government “by degrees,” by which it is said “lawyers get to Heaven.” I must confess, I marvel at the Attorney-General going over these old grounds, as though the gentlemen who sit here for the first time were a parcel of schoolboys to be trained; or fresh hands just shipped, and who required to be touched up with a rhetorical rope’s-end, to teach them their duty. He asks us where have the administration violated the new principles, and I answer, everywhere. We asked for the departmental system of England: they refused to bring the secretary into the Legislature, they withdrew the treasurer, they legislated the collector of excise out, and they refused to permit us to legislate the commissioner of crown lands in. In the free use and abuse of the Governor’s name, they violated principle and accumulated difficulties; and in holding their places from August to January, after the country to which they appealed had declared against them. I will not anticipate the contents of Earl Grey’s despatch, but I shrewdly suspect that if the elections had gone against us, the people of Nova Scotia would never have seen it. If that was not the policy, the gentleman opposite would have planted the public officers to be affected by it on the hustings and have given them a chance of maintaining their positions.

Allusions have been made to the bench and to the discussions which arose here last year. I know little or nothing of our courts from personal observation, for I rarely go into them; but I do wish that our judges would so demean themselves as to be not only blameless but unsuspected. And I wish also, sir, that when reflections are cast, here or elsewhere, gentlemen would prefer some definite charge or state some fact, to enable us to decide fairly whether or not blame can attach to the bench. With reference to the representations said to have been made with a view to a new appointment, I know nothing of them; constitutionally I can know nothing. As a member of Opposition, I am to judge the Government by its *acts* and have nothing to do with its *intentions*. But this I may say, that after the discussions which took place here last session, after the confirmation by the constituencies of the charges preferred (for our opponents had the imprudence to mix the judges up with their canvass), those who are called upon to fill up that vacancy should—taking an enlightened view, not so much of the claims of parties as of the state of the bench and the feelings of the country—exercise a sound discretion, that the bench may be strengthened in the affections and respect of the country. Touching the principles which will ever govern my conduct in reference to judicial appointments, I may be pardoned for saying a few words. Once in a while, an able man, of standing and experience, may be found isolated, by circumstances, from politics; such an one is, perhaps, upon the roll, but the phenomenon is rare. In general, if we want the best talent of the profession, our judges must be selected from the foremost ranks of our politicians; and as parties fluctuate,

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political impressions will come to neutralize each other, as in England. Now, whether political friends or foes are elevated to the bench, this should be the rule,—however distasteful their appointments and however they may be vehemently opposed, when once gentlemen are appointed, political animosities should be buried and only revived if the individuals, after their elevation, forget the dignity of their stations. The Attorney-General thought proper to ridicule the references made by my learned friend from Cape Breton, to the Post Office, railroads, commerce and colonization. I knew my learned friend would catch it, for I saw the Attorney-General's eye glancing at him as he spoke, with expressive intimation of the coming storm. What, we are asked, have all these great subjects to do with the Government of Nova Scotia? Will the new administration carry great measures affecting the whole empire? We have the deepest interest in all these great questions; the honour, the prosperity and elevation of our country are involved in them all; a sound principle, propounded here, may be adopted and acted upon by North America; and plans of improvement suggested in other colonies will require to be met in an enlightened and liberal spirit. Is it not, then, of the utmost importance, whilst such questions are to be dealt with, that his Excellency should be surrounded by a complete and vigorous administration? My learned friend may be enthusiastic upon some of those topics, but he is often in advance of us; and though I have sometimes lagged behind, as I and others did when, years ago, he boldly propounded our right to control the Strait of Canso, I have learnt to respect rather than smile at a zeal which is often based on statesmanlike conceptions.

But did not the Attorney-General, when he went to Canada as a commissioner, representing the minority in this Assembly, feel that he was in a false position? And has he forgotten the time when the peace of this continent was endangered, and when, his administration being in a minority, Sir Colin Campbell could not without the aid of the Opposition buy a musket or a barrel of powder? Sir, these principles are of wider application than to the mere internal administration of each colony. That the empire may be strong, the Queen's Government should be strong in the affections of all her people, and ready in each Province to lead public opinion and carry out imperial policy. I might say, in answer to the Attorney-General's taunt, that if we do not construct the railway, we will not write despatches about it, reflecting on the head of this House, and then bring them down to be read under the Speaker's nose.

The Attorney-General quotes the Whig precedent of 1841 to justify his retention of office; but what justification does that furnish? Lord John Russell, if my memory serves, held on for five days after the return of the writs; Mr. Johnston for five months! Could there have been a stronger illustration of his folly than the fact which has come out of these discussions that, instead of advising the Lieutenant-Governor to fill the vacancy on the bench, he has commenced some clumsy correspondence with the Colonial

Office? But we are told that we have only a majority of seven. Well, that is better than a majority of one. Do the gentlemen opposite doubt their entire defeat? They laughed at us when we assumed, in our letter to Sir John Harvey, that the Liberals owned two-thirds of the property and embraced two-thirds of the population of Nova Scotia. That statement was denied. But look at the returns: twelve counties sustain the Liberals; the Tories have but five; and although they may have won several of the townships by small majorities, the analysis which I hold in my hand proves the accuracy of the statement made to Sir John Harvey in 1846. The Attorney-General says his majority increased from 1843 to 1847. If it did, all the patronage of the Government was in his hands for four years, to strengthen himself, but where is his majority now? Where are the prominent and more violent men of his party? Scattered to the winds, while the Opposition have come back strengthened in talent as in numbers.

The Attorney-General says that the coalition Council was sometimes reduced to seven. I am not aware that the number ever fell below eight. But look at the spectacle which the fragment sometimes presented. Mr. Robie in the States; Mr. Wilkins at Windsor; Mr. Dodd fishing in the Margaree River. [Here Mr. Howe threw in a droll parenthesis, comparing the Crown officers to two salmon, securely hooked, but floundering, jumping, and flapping their tails, without a possibility of escape.] Sir Rupert, particularly about election times, sailing down the coast in his boat and the whole government of the country centred in the hands of the Attorney-General and his relative, Mr. Almon. Was that such an administration as could be considered fair to the Governor or to the country?

[Mr. Howe here defended the coalition which passed the Halifax Incorporation Act and more measures, in a single session, than the last administration did in four. He also remarked, on the boast that the school money had been increased, that the machinery of the Act was so imperfect, that some excellent schools had been destroyed, and the people had not contributed in proportion to the advances from the Treasury.]

But, says the Attorney-General, it would have been a violation of principle, if I had assumed that a majority was against us—that we would be defeated. Oh, sir, the Attorney-General has a short memory. Did he not assume that Lord Falkland's Government would be defeated in 1843, months before the House met, and dissolve it on a groundless assumption? Did not Lord Falkland assume that Mr. Johnston had a majority when he appointed Mr. Almon? Everything and anything could be assumed in 1843, but nothing in 1847.

On entering the Government, it was discovered by the Liberals that though Sir Rupert D. George had resigned his seat in the Executive Council, he had not resigned the office of Provincial Secretary; which, pleading his patent, or some pledge from the

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Governor, he insisted on his right to retain. The new Cabinet met this attempt at unconstitutional obstruction with firmness. They declared the office vacant by resolution, and voted a pension to Sir Rupert at the same time. Mr. Howe was appointed to succeed him. Mr. J. B. Uniacke took the office of Attorney-General. The Solicitor-Generalship was conferred on Mr. W. F. Desbarres. Legislation was required before the departmental system could be arranged, and the financial offices disposed of. But power had effectually changed hands. The Liberals, for the first time in our Provincial history, surrounded the Lieutenant-Governor, and had free access to the Colonial Office. For the first time in his public career, Mr. Howe found himself at the head of a department which gave free scope to his talents for administration.

The members of the Cabinet who had accepted offices of emolument were triumphantly returned. Mr. McNab was elevated to the Legislative Council to make a vacancy, and Mr. Uniacke and Mr. Howe were elected¹ by the metropolitan city and county; the former beating his opponent by 385 votes, and the latter winning by 832.

About this same time Lord Falkland was rewarded for his misgovernment of Nova Scotia by his appointment to the Presidency of Bombay; and Messrs. Baldwin and Lafontaine, who had been excluded from office by Lord Metcalfe's *coup d'état*, were carried triumphantly into the Council of Lord Elgin almost by acclamation.

Responsible government was now secured to British America. Principles and rules of administration, defined and illustrated by the conflicts of the past four years, were clearly apprehended and could be misstated and mystified no longer. The right of any party commanding a parliamentary majority to form a Cabinet and administer public affairs; the right of ministers to be consulted, to resign when they were not, and to go into opposition without injury to the prerogative—in fact, nearly all the points upon which there had been so much controversy, were now settled and disposed of.

The Departmental Bill was introduced by the new Cabinet about the end of March. It gave rise to much debate and obstruction, but was finally carried through both Houses. The Colonial Office was then appealed to, and the Imperial Parliament importuned, that the Queen's assent might be withheld; and the Provincial Government were involved for more than a year in correspondence about

¹ March 2, 1848.

a measure which the Colonial Secretary finally decided was lying clearly within the purview of the Provincial Parliament. CHAP. XIV

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The session closed on the 11th of April. Though having no time to prepare measures until the House met and the old administration was overturned, and although the chief departmental officers were excluded from Parliament during half the session, the new administration signalized their accession to power by the passage of several measures of great value and utility. Besides the Departmental Bill, already referred to, there was an act to commute the Crown Revenues and provide for a Civil List, prepared by Mr. Huntington, and which Sir John Harvey characterized as "as honourable to the Legislature as he trusted it would be satisfactory to Her Majesty's Government." This bill finally disposed of a class of vexatious and debatable questions, involving personal interests and vested rights, which had disturbed our Legislature for ten years. Her Majesty's assent was not obtained to it, however, without a hard battle. No sooner had it passed the two branches than the judges and other officers interested memorialized the Imperial Government against its confirmation. Some of those memorials were drawn with great skill and in language of indignant remonstrance or ironical severity. In some of them the Lieutenant-Governor was not spared. It became Mr. Howe's highest duty, not only to his party, but to the Governor, that this measure and the Departmental Bill should be successfully vindicated in England. The correspondence with the Colonial Secretary during his first year of office was voluminous. The admirable spirit and ability with which it was conducted may be gathered from the despatches and minutes of Council, which were, from time to time, laid before the House.

The bill for constructing an electric telegraph from Halifax to the northern frontier of Nova Scotia, also brought down by the administration, was eminently successful. Under it the first telegraph line erected in Nova Scotia was built by the Government at an expense of about £4000. Contrary to the general belief, it was immediately successful, and paid five per cent. on the outlay the first year that it went into operation. Encouraged by the success of this experiment, a company was soon after formed, which bought the main line from the Government and engrafted on it branch lines which connected the capital of Nova Scotia with almost every seaport in the Province.

Towards the close of the session a despatch was received by Sir John Harvey, in which Earl Grey thus sanctioned the steps which

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his Excellency had taken. "I have to convey to you my entire approbation of the measures which you have pursued with reference to the reconstruction of your Executive Council." "You will express to your present Executive Council the satisfaction with which I have read their minute of 8th of February, 1848, in which they express their intention to resist with firmness the introduction of the mischievous policy of sweeping changes of subordinate functionaries. I trust that the system of responsible government, the principles of which they so justly appreciate and apply, may now be regarded as established in Nova Scotia in a manner calculated to make it work for the good advantage of the inhabitants of the Province."

The close of this session was marked by an incident highly honourable to the Legislature, and which shows how, in Nova Scotia, mere party feelings are buried when the respect due to the Sovereign—the honour or the interests of the Empire—are concerned. This was the period when Louis Philippe had fled; when the republicans were in possession of Paris; and when every mail brought accounts of some fresh revolution or *émeute* in every part of continental Europe. We copy the report from the newspapers:

On the day the last mail arrived, Mr. Howe, the Provincial Secretary, rose in his place, and by command of his Excellency Sir John Harvey, laid on the table of the House a despatch from the Right Honourable Earl Grey announcing the birth of a Princess Royal. In moving for the usual committee to prepare an address of congratulation, Mr. Howe observed, that the same mail which brought this despatch also brought accounts that almost every throne in Europe was shaken, and almost every crown in danger; while the subjects of despotic Sovereigns were seeking constitutions at the point of the bayonet and amidst scenes of carnage and civil war, our gracious Queen, secure in the attachment of her subjects, had passed through no peril but that which was incident to the condition of woman, and which was hallowed by the maternal affections. On us she had freely bestowed a constitution, which left us nothing to fear and nothing to demand; and he believed that in no portion of her widely extended dominions would an event which thrilled with pleasure the royal bosom, and had a tendency to give stability to the throne, be hailed with more genuine satisfaction than in Nova Scotia. Mr. Johnston, the leader of the Opposition, at once rose, and expressed his high approval of the sentiments so eloquently delivered by the Provincial Secretary. The contrast was indeed striking, and highly gratifying to every British subject. He gave his support to the address, and it passed by acclamation.

The session had scarcely closed, when the Opposition newspapers attacked Sir John Harvey with great injustice and severity. He

was ably defended, on this and on other occasions, by a writer under the signature of "Sydney," who in firm but temperate language met every charge against Sir John with a triumphant vindication.

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In the autumn of this year a voluminous and able report was transmitted by Sir John Harvey to the Colonial Secretary, in which the prominent features and main resources of the Province were grouped and described. This report was much wanted. The information it contained was freely used in the mother country and elsewhere, and had a tendency to correct erroneous impressions abroad.

On the 20th of November, a new commission of the peace was issued, which gave rise to much discussion for some years after.

In December, the colonies met with a heavy loss by the death of Charles Buller. Buller and Howe never met, but they had long corresponded and entertained for each other mutual confidence and personal esteem. The following graceful tribute to the memory of the dead was written by Mr. Howe at the time,¹ and he often expressed the emotion he felt, while wandering through Westminster Abbey some years later, at coming suddenly upon a beautiful bust of his departed friend :

If the question had been asked a month ago, of the North American colonies, what English statesman they could least afford to spare, the almost unanimous answer of the best-informed men in the five Provinces would have been—Charles Buller. The last steamer brings the melancholy tidings of his death, and the sincere sorrow on this side of the Atlantic is as general as was the estimation in which the deceased was held.

There is something singularly sad in the death of such a man as Buller at the early age of forty-one,—in the very flower of his days,—after the difficulties of early life had been surmounted and an honourable position had been attained, from which with practised and scarcely adventurous wing the highest elevations of imperial public life were fairly within his reach.

There is something, too, depressing in the reflection that another has been added to the list of able and distinguished advocates of colonial regeneration, who have passed from the stage of usefulness to the tomb, within a very few years.

Lord Durham, Lord Sydenham, Sir Charles Bagot, Charles Buller! With these men alive and holding high stations in England, North America would have had her advocates and friends, familiar with her wants and hopeful of her

¹ *The Nova Scotian*, December 25, 1848.

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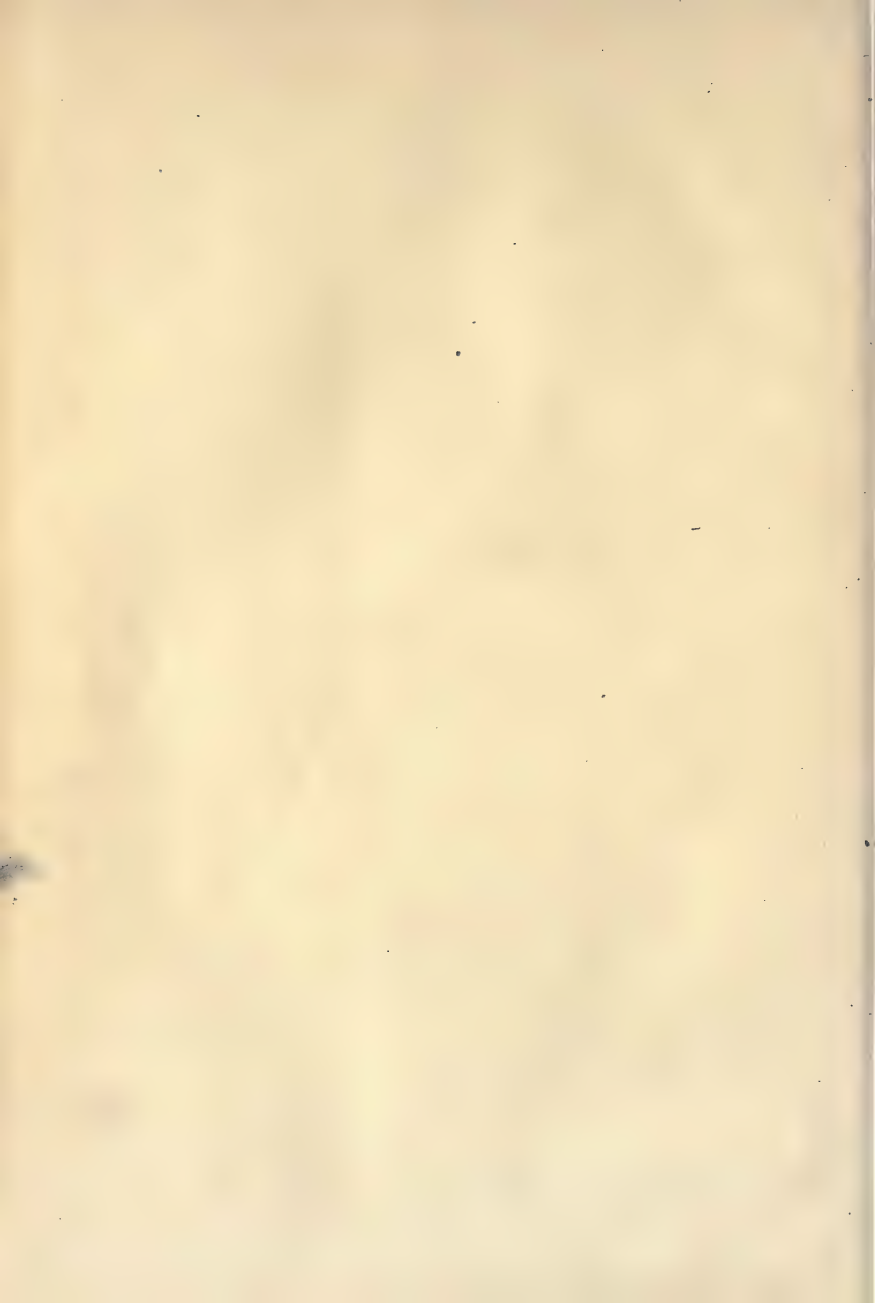
destinies, to appeal to, and to defend her interests, on all occasions. The grave has closed over them all, and we are scarcely consoled for their loss by the conviction that their works live after them and that the rights they advocated can never perish.

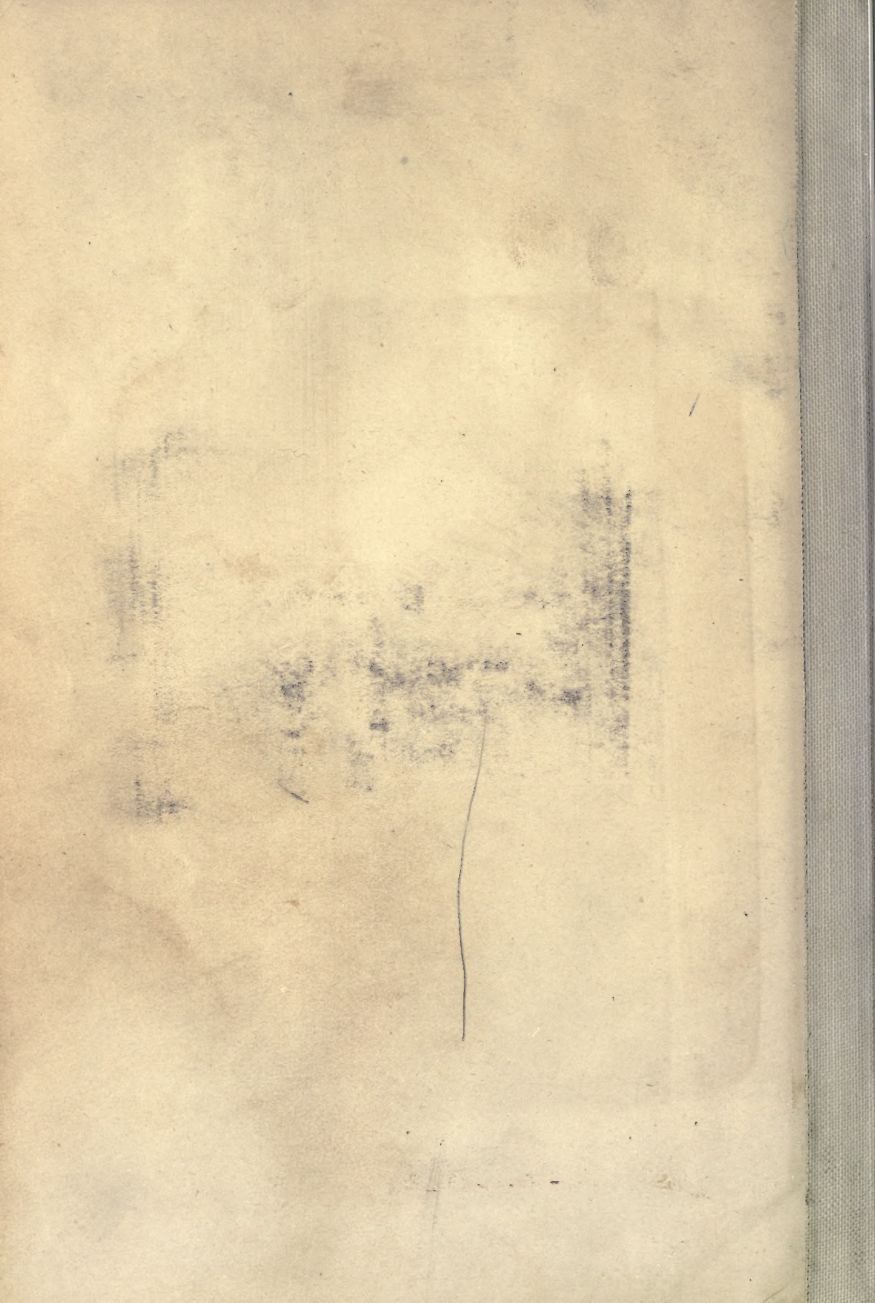
In the gradual evolution of general principles and in their practical application to the business of colonial government within the last ten years, Charles Buller, though inferior in rank and station to some of his fellow-labourers, exercised a vast and most beneficial influence. As secretary to Lord Durham, his talents contributed to the brilliant success which attended his Lordship's mission. When that great man was prematurely stricken down, Charles Buller in Parliament and in the press defended his memory and reasserted his principles. Out of office, he checked and restrained the party by whom Lord Durham was feared; in office, he gave to the present Ministry his counsel and his aid in perfecting that nobleman's colonial policy.

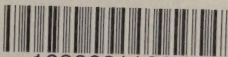
Contrasted with some others who take an interest in colonial questions, there was something safe, practical and conciliatory in Buller's advocacy of North American interests. Unlike Hume, he never frightened or misled by counselling extreme measures; and instead of traversing boundless fields and generalizing like Molesworth, he stuck to the matter in hand and raised no difficulties, the facile removal of which was not proved to be as compatible with the dignity of the parent state as with the security of the distant provinces of the empire.

It was for this quality of his mind that we chiefly admired Buller. He never did violence to the antique prejudices of Parliament or feared to give honest counsel, when they seemed to require it, to the colonists themselves. There may be rising men in both Houses, of whom we know little; but of those we do know, there is not one, in the peculiar walks he chose, who can fill Charles Buller's place.

END OF VOL. I.








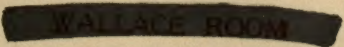
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